



Queensland

*Transport Operations (Passenger Transport) Act 1994*

# **Transport Operations (Passenger Transport) Regulation 2005**

**Reprinted as in force on 30 November 2012**

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Queensland

# Transport Operations (Passenger Transport) Regulation 2005

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# Transport Operations (Passenger Transport) Regulation 2005

[as amended by all amendments that commenced on or before 30 November 2012]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) Regulation 2005*.

### 2 Definitions

The dictionary in schedule 11 defines particular words used in this regulation.

## Part 2 Operator accreditation

### Division 1 Preliminary

#### 4 Purpose of pt 2

The purpose of this part is to provide for matters about operator accreditation for chapter 3 of the Act.

*Note—*

Section 11 of the Act sets out the purpose of operator accreditation.





- (i) if the person is an individual—the criminal history of the person is being checked; or
  - (ii) if the person is a member of a partnership—the criminal history of the person, or another member of the partnership, is being checked; or
  - (iii) if the person is a corporation—the criminal history of an executive officer of the corporation is being checked.
- (2) A grant under subsection (1)(a) may be subject to a condition about the person meeting all the standards applying to operator accreditation within a specified time.
- (3) If, before the end of the term stated in the provisional operator accreditation as its term, the chief executive is satisfied the applicant complies with the requirements under the Act about granting or renewing operator accreditation, the chief executive may grant operator accreditation to the person.

## **8 Refusal of operator accreditation—Act, s 17**

- (1) The chief executive may refuse to grant operator accreditation to a person, or to renew a person's operator accreditation, if—
- (a) for an individual—the person has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of; or
  - (b) for a member of a partnership—the person, or another member of the partnership, has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of; or
  - (c) for a corporation—the person, or an executive officer of the corporation, has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of.

[s 9]

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- (2) Also the chief executive may refuse to grant operator accreditation to a person, or to renew a person's operator accreditation, if—
- (a) the person does not comply with a standard applying to the operator accreditation; or
  - (b) an operator accreditation granted to the person has been cancelled or suspended; or
  - (c) the chief executive considers the person has behaved in a way that has damaged the reputation of public passenger services or accredited operators or otherwise is contrary to the encouragement of the high quality operation of public passenger services as mentioned in section 11 of the Act.

*Example for paragraph (c)—*

The accredited operator has been charged or convicted of an offence (other than a disqualifying offence). If the act or omission constituting the alleged offence or the offence placed at risk the safety of passengers, particularly children or other vulnerable members of the community or involved the person acting fraudulently, the chief executive may consider the person has behaved in a way that has damaged the reputation of public passenger services or accredited operators or otherwise is contrary to the encouragement of the high quality operation of public passenger services.

- (3) If the chief executive refuses to grant or to renew operator accreditation in relation to a person under this section (even if the chief executive grants the person provisional operator accreditation), the chief executive must give the person a regulation notice about the decision.

*Note—*

Schedule 2 of the Act provides a refusal to grant or renew operator accreditation is a reviewable decision.

## **9 Term of operator accreditation**

- (1) An operator accreditation is for a term, stated in the operator accreditation, of not longer than 5 years.

- 
- (2) An operator accreditation may be renewed for successive terms of not longer than 5 years.
  - (3) In this section—  
*operator accreditation* includes provisional operator accreditation.

## 10 Renewal notices

- (1) This section applies if the chief executive does not send, or an accredited operator does not receive, a renewal notice for the person's operator accreditation.
- (2) The failure to send, or the non-receipt of the renewal notice, does not affect—
  - (a) the expiry of the operator accreditation; or
  - (b) the accredited operator's obligation to renew the operator accreditation before it expires.
- (3) In this section—  
*operator accreditation* includes provisional operator accreditation.

## 11 Amendment, suspension and cancellation of operator accreditation—Act, s 20

- (1) The chief executive may amend, suspend or cancel a person's operator accreditation if—
  - (a) for an individual—the person is convicted of a disqualifying offence or does not comply with a standard applying to the operator accreditation; or
  - (b) for a member of a partnership—the person or another member of the partnership is convicted of a disqualifying offence or does not comply with a standard applying to the operator accreditation; or
  - (c) for a corporation—the person, or an executive officer of the person, is convicted of a disqualifying offence or

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does not comply with a standard applying to the operator accreditation.

- (2) Also, the chief executive may suspend or cancel a person's operator accreditation if the chief executive considers the person has behaved in a way that has damaged the reputation of public passenger services or accredited operators or otherwise is contrary to the encouragement of the high quality operation of public passenger services as mentioned in section 11 of the Act.

*Note—*

See example for section 8(2)(c).

- (3) Before taking the action mentioned in subsection (1) (the ***proposed action***), the chief executive must give the person a written notice—
- (a) stating the proposed action; and
  - (b) stating the grounds for the proposed action; and
  - (c) outlining the facts and circumstances forming the basis for the grounds; and
  - (d) if the proposed action is amendment of the operator accreditation—stating the proposed amendment; and
  - (e) if the proposed action is suspension of the operator accreditation—stating the proposed suspension period; and
  - (f) inviting the person to show, within a stated time of at least 28 days, why the proposed action should not be taken.
- (4) If, after considering all written representations made within the stated time, the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—
- (a) if the proposed action was to amend the operator accreditation—
    - (i) amend the operator accreditation in the way stated in the regulation notice; or

- 
- (ii) amend the operator accreditation in another way having regard to the representations; or
  - (b) if the proposed action was to suspend the operator accreditation—
    - (i) suspend the operator accreditation for no longer than the period stated in the regulation notice; or
    - (ii) amend the operator accreditation having regard to the representations; or
  - (c) if the proposed action was to cancel the operator accreditation—
    - (i) cancel the operator accreditation; or
    - (ii) suspend the operator accreditation for a period; or
    - (iii) amend the operator accreditation having regard to the representations.

*Note—*

Schedule 2 of the Act provides an amendment, suspension or cancellation of operator accreditation is a reviewable decision.

(5) In this section—

***operator accreditation*** includes provisional operator accreditation.

## **12 Immediate suspension of operator accreditation—Act, s 20**

- (1) The chief executive may immediately suspend a person's operator accreditation, by giving a regulation notice to the person, if—
  - (a) for an individual—the person is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest; or
  - (b) for a partnership—the person or another member of the partnership is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest; or

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- (c) for a corporation—the person, or an executive officer of the person, is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest.
- (2) The chief executive may, under subsection (1), immediately suspend the person’s operator accreditation until—
  - (a) if the ground is that the person has been charged with a disqualifying offence, the earlier of the following—
    - (i) the charge is finally disposed of;
    - (ii) the person’s operator accreditation expires without being renewed; or
  - (b) in any other case, the earlier of the following—
    - (i) the chief executive gives the person a regulation notice under section 11(4);
    - (ii) the end of 56 days after the regulation notice under subsection (1) is given to the person.

*Note—*

Schedule 2 of the Act provides an amendment, suspension or cancellation of operator accreditation is a reviewable decision.

- (3) This section applies despite section 11.
- (4) In this section—  
***operator accreditation*** includes provisional operator accreditation.

### **13 Further action after immediate suspension**

- (1) This section applies if—
  - (a) under section 12, the chief executive immediately suspends a person’s operator accreditation; and
  - (b) the chief executive also proposes, under section 11, to amend, suspend or cancel the operator accreditation.

- (2) The regulation notice under section 12(1) must also state the information mentioned in section 11(3) in relation to the action the chief executive proposes to take.
- (3) Section 11(4) applies to the proposed action as if the regulation notice given under section 12(1) were a notice given under section 11(3).

#### **14 Return of evidence of operator accreditation if cancelled, suspended or amended**

- (1) This section applies if a person is given a regulation notice—
  - (a) cancelling the person’s operator accreditation; or
  - (b) suspending the person’s operator accreditation for longer than 1 week; or
  - (c) immediately suspending the person’s operator accreditation for any period; or
  - (d) amending the person’s operator accreditation under section 11.
- (2) As soon as practicable after the person is given the regulation notice (but within 14 days), the person must return the certificate evidencing the operator accreditation to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (3) Even if the person does not return the document evidencing the operator accreditation, the action stated in the regulation notice has effect from the date stated in the notice.
- (4) In this section—  
*operator accreditation* includes provisional operator accreditation.

#### **15 Other amendments of operator accreditation**

- (1) This section applies only if the chief executive proposes to amend a person’s operator accreditation—

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- (a) for a formal or clerical reason; or
  - (b) in another way that does not adversely affect the person's interests; or
  - (c) if the person asks for the amendment.
- (2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the person.

## **Division 3                      Miscellaneous matters relevant to operator accreditation**

### **16            Notifying disqualifying offences**

- (1) If, under section 19(1), 21(1) or 22(1) or (3) of the Act, an applicant or person must notify or inform the chief executive or someone else about a disqualifying offence, the notice or information must—
- (a) be given in writing; and
  - (b) include details of the charge and the day when the charge will be heard.
- (2) If, under section 19(2), 21(2) or 22(2) or (4) of the Act, an applicant or person must notify or inform the chief executive or someone else about the outcome of a disqualifying offence, the notice or information must be given in writing.

*Note—*

*Disqualifying offence* is defined in schedule 3 of the Act. In paragraph (e) of the definition, a regulation may prescribe an offence as a disqualifying offence. For this purpose, see section 135.

### **17            Requirement for operator accreditation—public passenger services to which the Act, s 12 does not apply**

Section 12 of the Act does not apply to—

- (a) a ferry service; or



- (b) a community transport service or courtesy transport service, but only if—
- (i) no more than 2 vehicles are available, at any time, to provide the service, and each of the vehicles may be driven under a class C driver licence under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*; or
  - (ii) the service is not a service that is available to the general community; or
- Example of a service that is available to the general community—*
- Membership of a bowls club is open to the general community. The club provides a courtesy transport service but only to club members. The service is available to the general community.
- (iii) the service is a locally significant event service; or
- (c) a locally significant event service other than the service mentioned in paragraph (b)(iii).

## **18 Delegation of powers relating to operator accreditation**

- (1) Section 16(2) of the Act applies to any delegation of powers under sections 17 and 18 of the Act to any of the following—
- (a) the Taxi Council of Queensland Inc.;
  - (b) the Queensland Bus Industry Council Inc.;
  - (c) the Limousine Association Queensland Inc.

*Note—*

Each entity mentioned in subsection (1) is an incorporated association and each has a number issued by the department responsible for the administration of fair trading. The number for each entity appears after its name in the following list—

- the Taxi Council of Queensland Inc. (29068)
- the Queensland Bus Industry Council Inc. (01410)
- the Limousine Association Queensland Inc. (01623).

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- (2) It is a condition of each delegation mentioned in subsection (1) that a person who is, or has been, involved in the administration of the delegation must not make a record of, or directly or indirectly disclose, information about an applicant for the grant or renewal of operator accreditation.

*Example of information—*

an applicant's criminal history or medical history

- (3) Subsection (2) does not apply to disclosing information to the chief executive, in a court or doing anything under the delegation.

- (4) In this section—

*operator accreditation* includes provisional operator accreditation.

## **Part 3                      Driver authorisation**

### **Division 1                Preliminary**

#### **19            Purpose of pt 3**

The purpose of this part is to provide for matters about driver authorisation for chapter 4 of the Act.

*Note—*

Section 23 of the Act sets out the purpose of driver authorisation.

### **Division 2                Provisions for applications and    other matters**

#### **20            Application for grant or renewal of driver authorisation**

- (1) A person who is an individual may apply to the chief executive for the grant or renewal of driver authorisation.

*Note—*

Under section 28A of the Act, a person convicted of a category A driver disqualifying offence is ineligible to apply for or hold driver authorisation.

- (2) However, a person is not eligible to apply for driver authorisation for a relevant vehicle that is a taxi unless the person is at least 20 years.
- (3) Also, a person whose driver licence is subject to an interlock condition or a non-Queensland interlock requirement is not eligible to apply for the grant or renewal of driver authorisation until 2 years after the relevant day for the interlock condition or non-Queensland interlock requirement.

*Note—*

See the *Transport Operations (Road Use Management) Act 1995*, section 91K (Interlock condition).

- (4) An application for the grant or renewal of driver authorisation must be—
  - (a) made in the approved form; and
  - (b) accompanied by evidence that satisfies the chief executive that the person is—
    - (i) an Australian citizen; or
    - (ii) a permanent resident; or
    - (iii) a New Zealand citizen who is the holder of a special category visa as defined by the *Migration Act 1958* (Cwlth), section 32; or
    - (iv) entitled, under a visa granted under the *Migration Act 1958* (Cwlth), to work in Australia; and
  - (c) accompanied by the fee stated in schedule 9.
- (5) In this section—

***driver authorisation*** does not include provisional driver authorisation or restricted driver authorisation.

***driver licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

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***interlock condition*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***interlock period*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***non-Queensland interlock period*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***non-Queensland interlock requirement*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***permanent resident*** means the holder of a permanent visa as defined by the *Migration Act 1958* (Cwlth), section 30(1).

***relevant day*** means—

- (a) for an interlock condition for a person's driver licence—the day on which the interlock period applying to the person starts; or
- (b) for a non-Queensland interlock requirement for a person's driver licence—the day on which the non-Queensland interlock period applying to the person starts.

## **20A Requirements for operating relevant vehicles that are motorbikes**

- (1) An applicant for driver authorisation for the operation of a relevant vehicle that is a motorbike must hold a prescribed licence of the appropriate class.
- (2) The applicant must also, subject to subsection (3)—
  - (a) have held continuously for at least 5 years—
    - (i) an open or provisional licence for a motorbike; or
    - (ii) a corresponding licence to an open or provisional licence for a motorbike; or
    - (iii) a foreign driver licence for a motorbike; or
    - (iv) a series of any of the licences mentioned in subparagraph (i), (ii) or (iii); or

- 
- (b) have passed a competence test, approved by the chief executive, for the operation of a motorbike with a pillion passenger and have held continuously for at least 3 years—
    - (i) an open or provisional licence for a motorbike; or
    - (ii) a corresponding licence to an open or provisional licence for a motorbike; or
    - (iii) a foreign driver licence for a motorbike; or
    - (iv) a series of any of the licences mentioned in subparagraph (i), (ii) or (iii).
  - (3) Also, for at least 2 years of the continuous 5 or 3 year period mentioned in subsection (2), the applicant must have held continuously—
    - (a) an open or provisional licence for a motorbike; or
    - (b) a corresponding licence to an open or provisional licence for a motorbike; or
    - (c) a series of any of the licences mentioned in paragraph (a) or (b).

*Note—*

See also the *Transport Operations (Passenger Transport) Standard 2010*, section 6.

## **20B Requirements for operating relevant vehicles other than motorbikes**

- (1) An applicant for driver authorisation for the operation of a relevant vehicle, other than a motorbike, must hold a prescribed licence of the appropriate class.
- (2) The applicant must also, subject to subsection (3)—
  - (a) have held continuously for at least 3 years—
    - (i) an open or provisional licence for a car, truck or bus; or
    - (ii) a corresponding licence to an open or provisional licence for a car, truck or bus; or

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- (iii) a foreign driver licence for a car, truck or bus; or
    - (iv) a series of any of the licences mentioned in subparagraph (i), (ii) or (iii); or
  - (b) if the application is for driver authorisation for a relevant vehicle other than a taxi, have passed a competence test, approved by the chief executive, for the operation of the type of vehicle the person intends to drive under the driver authorisation.
- (3) Also, for at least 2 years of the continuous 3 year period mentioned in subsection (2)(a) or for at least 2 years for an application under subsection (2)(b), the applicant must have held continuously—
  - (a) an open or provisional licence for a car, truck or bus; or
  - (b) a corresponding licence to an open or provisional licence for a car, truck or bus; or
  - (c) a series of any of the licences mentioned in paragraph (a) or (b).
- (4) However, subsection (3) does not apply if the driver authorisation applied for is for a general route service, school service, taxi service, limousine service, community transport service or courtesy transport service.
- (5) This section does not apply to a person seeking a restricted driver authorisation.

*Note—*

See also the *Transport Operations (Passenger Transport) Standard 2010*, section 6.

## **20C Additional requirements to drive a taxi**

- (1) An applicant for driver authorisation for the operation of a relevant vehicle that is a taxi must—
  - (a) have held an Australian open, provisional or probationary licence of the appropriate class for at least 1 year during the 3 year period immediately before the application; and

- (b) be able to speak and understand English; and
  - (c) have a knowledge of common destinations and major connecting roads within the taxi service area where the applicant intends to drive the taxi; and
  - (d) have—
    - (i) attained competencies, specified by the chief executive, for the safe operation of taxis and customer service; or
    - (ii) successfully finished a training course for taxi drivers that the chief executive considers is at least equivalent to the competencies.
- (2) Subsection (1)(a) does not apply if the chief executive is satisfied that—
- (a) the applicant has held a licence (*equivalent licence*) that is at least equivalent to an Australian open, provisional or probationary licence of the appropriate class for at least 1 year during the 3 year period immediately before the application; and
  - (b) under the equivalent licence, the applicant has gained significant practical driving experience in a driving environment similar to that found in major urban centres in Australia.
- (3) An applicant for renewal of driver authorisation for a relevant vehicle that is a taxi must, if required by the chief executive, have successfully finished a training course for taxi drivers specified by the chief executive.
- (4) This section is in addition to, and does not limit, section 20B.

*Note—*

See also the *Transport Operations (Passenger Transport) Standard 2010*, section 8.

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## **21 Deciding application**

After receiving the application for the grant or renewal of driver authorisation, the chief executive must consider it and decide—

- (a) if the applicant complies with the requirements under the Act about granting or renewing driver authorisation—to grant or renew driver authorisation; or
- (b) if paragraph (a) does not apply but, under section 22, the chief executive may grant the applicant provisional driver authorisation—to grant provisional driver authorisation; or
- (c) otherwise—to refuse, under section 24, to grant or renew driver authorisation.

*Note—*

See also the Act, section 35A(5) (which deals with obtaining digital photos and digitised signatures) for when the chief executive must refuse to consider an application.

## **21A Form of authorising document**

- (1) This section applies if the chief executive—
  - (a) grants a person’s application for driver authorisation or the renewal of driver authorisation and gives the person an authorising document; or
  - (b) gives the person a replacement authorising document.
- (2) The authorising document may be in the form of a smartcard driver authorisation or an interim transport authority.
- (3) Subsection (2) does not limit the form of an authorising document.
- (4) A smartcard driver authorisation given to a person may be in the form of a smartcard transport authority that includes information about 1 or more other transport authorities held by the person.
- (5) In this section—



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*transport authority* see the *Transport Planning and Coordination Act 1994*, section 36G(3).

## **21B General provisions about authorising documents**

- (1) An authorising document may—
  - (a) indicate by way of a code, expression or otherwise that the person holds driver authorisation, and whether the driver authorisation is subject to a condition; and
  - (b) contain information about—
    - (i) the driver authorisation; and
    - (ii) the person's personal particulars.
- (2) A code or expression mentioned in subsection (1) may be—
  - (a) stated on an authorising document; or
  - (b) stored electronically on a smartcard driver authorisation.
- (3) Subsection (1) does not limit the information that an authorising document may contain.

## **21C Expressions on authorising documents**

- (1) The expression 'Taxi' on an authorising document indicates that the authorised driver is authorised to provide taxi services.
- (2) The expression 'Limo' on an authorising document indicates that the authorised driver is authorised to provide limousine services.
- (3) The expression 'Genr' on an authorising document indicates that the authorised driver is authorised to provide any of the following—
  - (a) accommodation transfer services;
  - (b) charter bus services;
  - (c) scheduled passenger services, other than a general route service or a school service;

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- (d) tourist services;
  - (e) tourist transfer services;
  - (f) unscheduled long distance passenger services.
- (4) The expression ‘Sche’ on an authorising document indicates that the authorised driver is authorised to provide general route services and school services.
- (5) The expression ‘TrMc’ on an authorising document indicates that the authorised driver is authorised to provide tourist services using any of the following—
- (a) a motor cycle;
  - (b) a motor cycle and sidecar;
  - (c) a motor tricycle.

*Note—*

An authorised driver may also, under the Act, provide public passenger services other than the services stated on the authorising document.

## **21D Codes on authorising documents**

The following codes may be used on an authorising document—

- ‘N’ stated on the authorising document to show that the driver authorisation is not subject to a condition
- ‘Y’ stated on the authorising document to show that the driver authorisation is subject to a condition
- ‘TEXT’ stored on a smartcard driver authorisation to show that the driver authorisation is subject to a condition.

## **22 Provisional driver authorisation—Act, s 30**

- (1) The chief executive may grant driver authorisation to the person on a provisional basis (*provisional driver authorisation*) if the person meets some but not all of either or both of the following—

- 
- (a) the requirements under section 20A, 20B or 20C;
  - (b) the standards applying to driver authorisation.
- (2) A grant under subsection (1) may be subject to a condition about the person meeting all the requirements under section 20A, 20B or 20C and all the standards applying to driver authorisation within a specified time.
  - (3) If, before the end of the term stated in the provisional driver authorisation as its term, the chief executive is satisfied the applicant complies with the requirements under the Act about granting or renewing driver authorisation, the chief executive may grant driver authorisation to the person.
  - (4) Despite subsection (1), the chief executive may grant provisional driver authorisation to a person without a formal application being made to ensure a public passenger service can continue to be provided in an emergency.
  - (5) A grant under subsection (4) is subject to the condition the person will make a formal application for driver authorisation as soon as practicable after the grant.

## **23 Conditions on driver authorisation—Act, s 32**

- (1) If the chief executive decides to grant or renew driver authorisation, the chief executive may impose a condition on the authorisation that the chief executive considers necessary.
- (2) If the chief executive imposes a condition on a person's driver authorisation under subsection (1), the chief executive must give the person a regulation notice about the decision.

*Note—*

Schedule 2 of the Act provides a refusal to grant or renew driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

- (3) Subsection (1) is in addition to, and does not limit, sections 22, 28 and 30 under which the chief executive may impose a condition on a person's driver authorisation.

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- (4) In this section—  
*driver authorisation* includes provisional driver authorisation.

## **24 Refusal of driver authorisation—Act, s 29**

- (1) The chief executive may refuse to grant driver authorisation to a person, or to renew a person's driver authorisation, if—
- (a) the person does not comply with section 20A, 20B or 20C or a standard applying to the driver authorisation; or
  - (b) a driver authorisation granted to the person has been cancelled or suspended; or
  - (c) the person has been convicted of a category C driver disqualifying offence; or
  - (d) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or

*Note—*

See sections 28A and 28B of the Act for provisions relating to category A and category B driver disqualifying offences.

- (e) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or
  - (f) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history; or
  - (g) the chief executive is not satisfied with the person's identification for driver authorisation.
- (2) If, under this section, the chief executive refuses the application for the grant or renewal of driver authorisation in relation to a person (even if the chief executive grants the person provisional driver authorisation), the chief executive must give the person a regulation notice about the decision.

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*Note—*

Schedule 2 of the Act provides a refusal to grant or renew driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

(3) In this section—

*driver authorisation* includes provisional driver authorisation.

## **25 Term of driver authorisation**

(1) A driver authorisation is for a term, stated in the authorisation, of not longer than 5 years.

(2) However, driver authorisation may be renewed for successive terms of not longer than 5 years.

(3) In this section—

*driver authorisation* includes provisional driver authorisation but does not include restricted driver authorisation.

## **26 Renewal notices**

(1) This section applies if the chief executive does not send, or an authorised driver does not receive, a renewal notice for the person's driver authorisation.

(2) The failure to send, or the non-receipt of, the renewal notice does not affect—

(a) the expiry of the driver authorisation; or

(b) the obligation of the authorised driver to renew the authorisation before it expires.

(3) In this section—

*driver authorisation* includes provisional driver authorisation.

## **27 Restricted driver authorisation—Act, s 29A**

(1) A prescribed operator may, for the chief executive, grant a restricted driver authorisation to a person authorising the person to operate a public passenger vehicle while, and only

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while, it is being used by the prescribed operator to provide the service.

- (1AA) A prescribed operator must not grant a restricted driver authorisation if the applicant is not eligible to be granted the restricted driver authorisation.
- (1A) An application for a restricted driver authorisation must be made in the approved form.
- (2) A restricted driver authorisation may only be granted on the prescribed operator's initiative.
- (3) However, a prescribed operator must not grant a restricted driver authorisation to a person unless—
- (a) the operator is satisfied the person complies with all standards applying to restricted driver authorisation; and
  - (b) the person gives the operator the following information about the person, and the operator has no reason to suspect the information is false—
    - (i) the chief executive has not refused to grant or renew the person's driver authorisation and has not cancelled or suspended any driver authorisation held by the person;
    - (ii) the person has not been convicted of a driver disqualifying offence;
- Editor's note—*
- See the Act, schedule 3, definition *driver disqualifying offence*.
- (iii) there is no charge for a driver disqualifying offence against the person that has not been finally disposed of.

Maximum penalty—20 penalty units.

- (4) A person's restricted driver authorisation—
- (a) is for the term stated in the authorisation of not longer than 1 year; and
  - (b) is not renewable; and

*Note—*

Even though a restricted driver authorisation is not renewable, a new restricted driver authorisation may be granted after the expiry of the restricted driver authorisation.

- (c) is automatically cancelled when the person stops being employed by the prescribed operator or when the person stops operating a public passenger vehicle for the prescribed operator.

*Note—*

A restricted driver authorisation may be amended, suspended or cancelled by the chief executive. See sections 28 and 30.

- (5) A prescribed operator must give a person whose restricted driver authorisation is automatically cancelled under subsection (4)(c) a written notice advising the person of the cancellation within 3 days after the cancellation.

Maximum penalty—10 penalty units.

- (6) A prescribed operator may, by written notice, amend a restricted driver authorisation granted to a person by the prescribed operator—
  - (a) for a formal or clerical reason, including, for example, a change of address; or
  - (b) in another way that does not adversely affect the person.
- (7) As soon as practicable after a person is given a written notice under subsection (5) or (6) about an automatic cancellation or amendment, the person must return to the prescribed operator any document evidencing the restricted driver authorisation.
- (8) A restricted driver authorisation granted under subsection (1) must be in the approved form.

## **27A Eligibility for restricted driver authorisation**

A person is not eligible to be granted a restricted driver authorisation by an operator unless the person—

- (a) holds a prescribed licence of the appropriate class; and
- (b) has held continuously for at least 3 years—

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- (i) an open or provisional licence for a car, truck or bus; or
- (ii) a corresponding licence to an open or provisional licence for a car, truck or bus; or
- (iii) a series of any of the licences mentioned in subparagraph (i) or (ii).

*Note—*

See also the *Transport Operations (Passenger Transport) Standard 2010*, section 7.

## **28 Amendment, suspension and cancellation of driver authorisation—Act, s 32**

- (1) The chief executive may amend a person's driver authorisation, including by altering the term of the authorisation or by imposing a condition on the authorisation, if—
  - (a) the person has been convicted of a category B or category C driver disqualifying offence; or
  - (b) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or
  - (c) the person does not comply with a standard applying to the driver authorisation; or
  - (d) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or
  - (e) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history.
- (2) The chief executive may suspend or cancel a person's driver authorisation if—



- (a) the person has been convicted of a category C driver disqualifying offence; or
  - (b) the person does not comply with a standard applying to the driver authorisation; or
  - (c) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or
  - (d) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history; or
  - (e) in relation to the person's application for the driver authorisation, the person produced a document, or gave other information, to the chief executive that is false or misleading in a material particular; or
  - (f) the driver authorisation was issued in error; or
  - (g) the chief executive is no longer satisfied with the person's identification for driver authorisation.
- (3) Action under this section—
- (a) to amend a person's driver authorisation if section 34(1) applies must be as required by section 34; or
  - (b) to otherwise amend, suspend or cancel driver authorisation must be as required by section 29.
- (4) In this section—
- driver authorisation*** includes provisional driver authorisation and restricted driver authorisation.

*Note—*

Schedule 2 of the Act provides an amendment, suspension or cancellation of driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

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## **29 Notice about amendment, suspension and cancellation of driver authorisation**

- (1) This section applies if the chief executive considers—
  - (a) a ground exists under section 28(1) to amend a person's driver authorisation; or
  - (b) a ground exists under section 28(2) to suspend or cancel a person's driver authorisation.
- (2) However, this section does not apply if section 33 or 34 applies.
- (3) Before taking the action mentioned in subsection (1)(a) or (b) (the *proposed action*), the chief executive must give the person a written notice—
  - (a) stating the proposed action; and
  - (b) stating the grounds for the proposed action; and
  - (c) outlining the facts and circumstances forming the basis for the grounds; and
  - (d) if the proposed action is amendment of the driver authorisation—stating the proposed amendment; and
  - (e) if the proposed action is suspension of the driver authorisation—stating the proposed suspension period; and
  - (f) inviting the person to show, within a stated time of at least 28 days, why the proposed action should not be taken.
- (4) If, after considering all written representations made within the stated time, the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—
  - (a) if the proposed action was to amend the driver authorisation—
    - (i) amend the driver authorisation in the way stated in the regulation notice; or

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- (ii) amend the driver authorisation in another way, having regard to the representations; or
  - (b) if the proposed action was to suspend the driver authorisation—
    - (i) suspend the driver authorisation for no longer than the period stated in the regulation notice; or
    - (ii) amend the authorisation having regard to the representations; or
  - (c) if the proposed action was to cancel the driver authorisation—
    - (i) cancel the driver authorisation; or
    - (ii) suspend the driver authorisation for a period; or
    - (iii) amend the driver authorisation having regard to the representations.
- (5) In this section—

*driver authorisation* includes provisional driver authorisation and restricted driver authorisation.

### **30 Immediate amendment and suspension of driver authorisation—Act, s 32**

- (1) The chief executive may immediately amend a person's driver authorisation by imposing a condition on the authorisation if—
- (a) the person has been convicted of a category B or category C driver disqualifying offence; or
  - (b) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or
  - (c) the chief executive considers it necessary having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act.

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- (2) The chief executive may immediately suspend a person's driver authorisation if—
- (a) the person has been convicted of a category B or category C driver disqualifying offence; or
  - (b) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or
  - (c) the person does not comply with a notice given to the person under section 41; or
  - (d) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or
  - (e) the chief executive is no longer satisfied with the person's identification for driver authorisation.

- (3) In this section—

***driver authorisation*** includes provisional driver authorisation and restricted driver authorisation.

*Note—*

Schedule 2 of the Act provides an amendment, suspension or cancellation of driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

### **31 Notice about immediate amendment or suspension**

- (1) This section applies if the chief executive considers—
- (a) a ground exists under section 30(1) to immediately amend a person's driver authorisation by imposing a condition on the authorisation; or
  - (b) a ground exists under section 30(2) to immediately suspend a person's driver authorisation.
- (2) This section applies even if the chief executive takes exclusion action under section 28B of the Act in relation to the person.

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- (3) Despite section 29, the chief executive may, by giving a regulation notice to the person—
- (a) immediately amend the person’s driver authorisation by imposing a condition on the authorisation; or
  - (b) immediately suspend the person’s driver authorisation.
- (4) The immediate amendment or suspension has effect until—
- (a) if the ground is that the person has been convicted of a category B driver disqualifying offence, the earlier of the following—
    - (i) the chief executive gives the person a regulation notice about the chief executive’s decision under section 33(2) or 34(2);
    - (ii) the end of 56 days after the regulation notice mentioned in subsection (3) is given to the person; or
  - (b) if the ground is that the person has been charged with a driver disqualifying offence, the earlier of the following—
    - (i) the charge is finally disposed of;
    - (ii) the person’s driver authorisation expires without being renewed; or
  - (c) in any other case, the earlier of the following—
    - (i) the chief executive gives the person a regulation notice under section 29(4);
    - (ii) the end of 56 days after the regulation notice mentioned in subsection (3) is given to the person.

## **32 Further action after immediate amendment or suspension**

- (1) This section applies if—
- (a) under section 31, the chief executive immediately amends or immediately suspends a person’s driver authorisation; and

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- (b) the chief executive also proposes, under section 29, to amend, suspend or cancel the driver authorisation.
- (2) The regulation notice under section 31(3) must also state the information mentioned in section 29(3) in relation to the action the chief executive proposes to take.
- (3) Section 29(4) applies to the proposed action as if the regulation notice given under section 31(3) were a notice given under section 29(3).

**33 Category B driver disqualifying offences—exclusion action**

- (1) This section applies if the chief executive takes exclusion action under section 28B of the Act in relation to a person who has been convicted of a category B driver disqualifying offence.
- (2) The chief executive must give the person a regulation notice about the decision to take the exclusion action.

**34 Category B driver disqualifying offences—exceptional case**

- (1) This section applies if the chief executive—
  - (a) decides not to take exclusion action under section 28B of the Act in relation to a person who has been convicted of a category B driver disqualifying offence because the chief executive is satisfied an exceptional case exists; but
  - (b) decides it is necessary in the particular case to impose a condition on the person’s driver authorisation.
- (2) The chief executive may, by giving a regulation notice to the person—
  - (a) for an applicant for driver authorisation—impose a condition when granting driver authorisation to the person; or

- (b) for a person who holds driver authorisation—amend the person’s driver authorisation by imposing a condition on the authorisation.

**35 Chief executive may require authorising document to be replaced**

- (1) This section applies if—
  - (a) information stated on an authorising document is incorrect and the chief executive reasonably believes the error was caused by the chief executive; or
  - (b) the chief executive has amended the person’s driver authorisation and the person’s authorising document requires replacement.
- (2) The chief executive may, by written notice, require the holder of the driver authorisation to return the holder’s authorising document to the chief executive within a stated time and in a stated way for replacement.
- (3) If subsection (1)(a) applies, the notice must include a statement identifying the information that is incorrect and the correct information.
- (4) The holder must comply with the notice, unless the holder has a reasonable excuse.  
Maximum penalty—20 penalty units.
- (5) After receiving the authorising document, the chief executive must give the holder a replacement authorising document.
- (6) If subsection (1)(a) applies, the replacement authorising document must state the correct information.
- (7) In this section—  
*driver authorisation* includes provisional driver authorisation and restricted driver authorisation.  
*written notice* includes a regulation notice under section 29(4) or 31(3).

[s 35A]

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### **35A Voluntary surrender of driver authorisation**

- (1) An authorised driver may surrender the person's driver authorisation by giving the chief executive a written notice of surrender.
- (2) To be effective, the notice of surrender must be accompanied by the person's authorising document, unless the person has a reasonable excuse for not returning it.
- (3) Subject to subsection (2), the surrender takes effect on the day the notice is given to the chief executive.

### **36 Return of authorising document if authorisation cancelled or suspended**

- (1) This section applies if a person is given a regulation notice—
  - (a) cancelling the person's driver authorisation; or
  - (b) suspending the person's driver authorisation; or
  - (c) immediately suspending the person's driver authorisation for any period.
- (2) As soon as practicable after the person is given the regulation notice (but within 14 days), the person must, if the regulation notice requires the authorising document to be returned, return the authorising document to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) Even if the person does not return the authorising document, the action stated in the regulation notice has effect from the date stated in the notice.
- (4) In this section—

*driver authorisation* includes provisional driver authorisation and restricted driver authorisation.



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**37 Relationship between driver licence and driver authorisation**

- (1) If the driver licence of a person who holds driver authorisation is suspended, the person's driver authorisation is suspended during the suspension of the person's driver licence.
- (2) If the driver licence of a person who holds driver authorisation is cancelled, the person's driver authorisation is cancelled.
- (3) If, on cancellation of a person's driver licence, the person is disqualified from holding or obtaining a driver licence for a period, the person is disqualified from holding or obtaining driver authorisation during the period.
- (4) In this section—  
*driver authorisation* includes provisional driver authorisation and restricted driver authorisation.

**37A Notification of damage, loss or theft of authorising document**

- (1) This section applies if an authorised driver is required under section 34A of the Act to notify the chief executive that the driver's authorising document has been damaged, lost or stolen.

*Note—*

Section 34A of the Act provides for an offence for failing to notify of the damage, lost or theft of an authorising document.

- (2) The notification—
  - (a) must be written notification; and
  - (b) is sufficiently given if an application for a replacement authorising document is made under section 37B.

**37B Application for replacement authorising document**

- (1) This section applies if—
  - (a) information stated on an authorising document is incorrect; or

[s 37C]

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- (b) an authorised driver becomes aware, or reasonably suspects, his or her authorising document has been damaged, lost or stolen.
- (2) The authorised driver may apply to the chief executive for the issue of a replacement authorising document.
- (3) The application must be—
  - (a) made in the approved form; and
  - (b) accompanied by the authorising document, unless it has been, or the authorised driver reasonably suspects it has been, destroyed, lost or stolen.
- (4) After receiving the application, the chief executive must give the authorised driver a replacement authorising document if the chief executive is satisfied—
  - (a) if subsection (1)(a) applies—the information on the authorising document was incorrect; or
  - (b) if subsection (1)(b) applies—the authorising document has been damaged, lost or stolen.
- (5) If the authorising document that has been replaced (the *original document*) comes into, or returns to, the authorised driver's possession after a replacement authorising document has been issued to the holder, the authorised driver must destroy the original document.

Maximum penalty—20 penalty units.

### **37C Upgrading to smartcard driver authorisation**

- (1) This section applies to the holder of an authorising document that is not a smartcard driver authorisation.
- (2) The holder may apply to the chief executive to replace the authorising document with a smartcard driver authorisation.
- (3) The application must be made in the approved form.
- (4) The chief executive may replace the authorising document with a smartcard driver authorisation for the same period as the unexpired period of the authorising document.

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### **38 Other amendments of driver authorisation**

- (1) This section applies if the chief executive proposes to amend a person's driver authorisation—
  - (a) for a formal or clerical reason; or
  - (b) in another way that does not adversely affect the person's interests; or
  - (c) if the person asks for the amendment.
- (2) This section does not apply if section 35 applies.
- (3) The chief executive may, by written notice, require the person to return the person's authorising document to the chief executive within a stated time and in a stated way.
- (4) If subsection (1)(a) or (b) applies, the notice must include a statement identifying how the chief executive proposes to amend the person's driver authorisation.
- (5) The holder must comply with the notice, unless the holder has a reasonable excuse.  
Maximum penalty—20 penalty units.
- (6) If the chief executive amends a person's driver authorisation under this section and the person's authorising document requires replacement, the chief executive must give the authorised driver a replacement authorising document.
- (7) In this section—  
*driver authorisation* includes provisional driver authorisation.

### **39 Notifying operator of amendment, suspension or cancellation of driver authorisation**

- (1) This section applies if—
  - (a) a person with driver authorisation operates a vehicle for an accredited operator; and
  - (b) the chief executive amends, suspends or cancels the person's driver authorisation.
- (2) The chief executive may—

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- (a) advise the operator that the person's driver authorisation has been amended, suspended or cancelled; and
- (b) if the chief executive has amended the person's authorisation by imposing a condition on the authorisation, advise the operator of the condition.

### **Division 3                      Miscellaneous matters relevant to driver authorisation**

#### **40            Notifying or informing—Act, s 31, 33, 34 or 35**

If a person, under section 31, 33, 34 or 35 of the Act, must notify or inform the chief executive or an accredited operator about a matter, the notice or information must be written.

#### **40A        Medical fitness for driver authorisation**

- (1) A person is not eligible to be granted driver authorisation unless the person gives the chief executive a prescribed medical certificate for the person.
- (2) An authorised driver must—
  - (a) notify the chief executive if there is a change in the driver's medical condition that makes the driver continuously unfit to safely operate a motor vehicle for more than 1 month; and
  - (b) within 5 years after the issue of the last prescribed medical certificate for the driver given to the chief executive under subsection (1) or this paragraph, give the chief executive a fresh prescribed medical certificate for the driver.
- (3) However, if a prescribed medical certificate for a person given under subsection (1) or (2) indicates it is for a period of less than 5 years, the person must give the chief executive the next prescribed medical certificate for the person within the period.

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*Examples of indications that a prescribed medical certificate is for a period of less than 5 years—*

- The certificate states it lasts or applies for 2 years.
  - The certificate states it should be renewed or reviewed after 2 years.
  - The certificate states the person's condition should be reviewed, or the person should be re-examined, within 2 years.
- (4) If a prescribed medical certificate for a person given under subsection (1) or (2) contains a limitation on operating a vehicle, the person must not operate a vehicle, under driver authorisation, contrary to the limitation.
- (5) This section does not apply to a person seeking a restricted driver authorisation.

*Note—*

For the effect of noncompliance with subsection (2) or (4), see section 28(1)(d) and (2)(c).

#### **40B Medical fitness for restricted driver authorisation**

- (1) A person is not eligible to be granted a restricted driver authorisation by an operator unless the person gives the operator—
- (a) a statement signed by the person stating that, as far as the person knows, the person does not suffer from any of the medical conditions stated on the approved form given by the person under section 27(1A); and
  - (b) if the person suffers or has suffered from a medical condition that may make the person unfit to hold a restricted driver authorisation—a prescribed medical certificate for the person.
- (2) A driver who holds a restricted driver authorisation must notify the operator who granted the restricted driver authorisation and the chief executive each time there is a change in the driver's medical condition that makes the driver continuously unfit to safely operate a motor vehicle for more than 1 month.

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- (3) If a prescribed medical certificate for a person given under subsection (1)(b) contains a limitation on operating a vehicle, the person must not operate a vehicle, under restricted driver authorisation, contrary to the limitation.

*Note—*

For the effect of noncompliance with subsection (2) or (3), see section 28(1)(d) and (2)(c).

#### **41 Requirement to prove fitness**

- (1) This section applies if the chief executive suspects a person who holds driver authorisation is no longer medically fit to operate a public passenger vehicle under the driver authorisation.
- (2) The chief executive may, by written notice, require the person to provide evidence of the person's medical fitness to operate a public passenger vehicle under the driver authorisation.
- (3) In this section—  
*driver authorisation* includes provisional driver authorisation and restricted driver authorisation.

#### **42 Requirement for driver authorisation—public passenger services to which the Act, s 24 does not apply**

Section 24 of the Act does not apply to—

- (a) a ferry service; or
- (b) a community transport service or courtesy transport service, but only if—
- (i) no more than 2 vehicles are available, at any time, to provide the service, and each of the vehicles may be driven under a class C driver licence under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*; or
- (ii) the service is not available to the general community; or

- (iii) the service is a locally significant event service; or
- (c) a locally significant event service other than the service mentioned in paragraph (b)(iii).

#### **43 Delegation of powers relating to driver authorisation**

- (1) Section 28(2) of the Act applies to any delegation of powers under sections 29 and 30 of the Act to any of the following—
  - (a) the Taxi Council of Queensland Inc.;
  - (b) the Queensland Bus Industry Council Inc.;
  - (c) the Limousine Association Queensland Inc.;
  - (d) the Brisbane City Council.

*Note—*

See the note to section 18(1).

- (2) It is a condition of each delegation mentioned in subsection (1) that a person who is, or has been, involved in the administration of the delegation must not make a record of, or directly or indirectly disclose, information about an applicant for the grant or renewal of driver authorisation.

*Example of information—*

an applicant's criminal history or medical history

- (3) Subsection (2) does not apply to disclosing information to the chief executive, in a court or doing anything under the delegation.
- (4) In this section—  
***driver authorisation*** includes provisional driver authorisation.

#### **43A Damaging authorising document**

A person must not wilfully damage an authorising document.

Maximum penalty—20 penalty units.

[s 43B]

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**43B Chief executive may direct superseded authorising document to be destroyed**

- (1) The chief executive may direct a person to destroy the person's superseded authorising document.
- (2) The person must comply with the direction.  
Maximum penalty—20 penalty units.

- (3) In this section—

*superseded authorising document* includes a superseded smartcard transport authority.

*Note—*

See the *Transport Planning and Coordination Regulation 2005*, section 7(5) for when an interim transport authority has effect as a smartcard transport authority.

**43C Driver authorisation may only be held in the driver's name**

An authorised driver must not hold driver authorisation other than under the driver's name.

Maximum penalty—40 penalty units.

**43D Possessing another person's authorising document**

- (1) A person must not possess another person's authorising document, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) A person must not give the person's authorising document to another person if the person knows, or ought reasonably to know, the other person intends to use the authorising document to deceive someone.

Maximum penalty—40 penalty units.

- (3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.



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### 43E Document purporting to be authorising document

- (1) A person must not possess a document that resembles an authorising document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (2) A person must not give another person a document that resembles an authorising document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

### 43F Notifiable events under other Acts

- (1) This section applies if an authorised driver—

(a) has an obligation under the Act to notify the chief executive of a notifiable event; and

(b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and

(c) complies with the obligation under the prescribed smartcard Act.

- (2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.

- (3) In this section—

***notifiable event*** means any of the following—

(a) a change of name;

(b) a change of address;

(c) the damage, loss or theft of an authorising document.

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## **Part 4                      Market entry restrictions**

### **44        Purpose of pt 4**

The purpose of this part is to declare that public passenger services are, as mentioned in section 36 of the Act, to be provided with market entry restrictions.

### **45        Market entry restrictions—Act, s 36**

A public passenger service mentioned in schedule 1, column 1 is to be provided with market entry restrictions in the area or over the route listed opposite the service in column 2.

*Note—*

Sections 42, 42A and 71 of the Act apply to a public passenger service to which a regulation under section 36 of the Act applies. If a regulation has been made, the chief executive may, under each of those sections, make a declaration by public notice or gazette notice.

## **Part 5                      Service contracts**

### **46        Purpose of pt 5**

The purpose of this part is to provide for matters in relation to service contracts as required by, or otherwise for, chapter 6 of the Act.

*Note—*

Section 37 of the Act sets out the purpose of service contracts.

### **47        Matters to be considered—Act, s 59(2)(e)**

The following matters are prescribed for section 59(2)(e) of the Act—

- (a) evidence that proposed minimum service levels will be achieved;

- (b) evidence of financial viability;
- (c) overall suitability of vehicles, having regard to vehicle age and accessibility;
- (d) plans to increase patronage through marketing of services and public passenger transport.

**48 Matters to be considered or not considered by arbitrator in deciding amount of compensation**

- (1) This section prescribes, for sections 61(4) and 62AAH(4) of the Act, matters to be considered, or not considered, by an arbitrator in deciding an amount of compensation.
- (2) An arbitrator must consider—
  - (a) for deciding compensation under section 61(3) of the Act—the present value of the future maintainable profits or future cash flows of services of the kind provided for in the new service contract that were previously provided by an existing operator or service contract holder who is a party to the arbitration; and
  - (b) for deciding compensation under 62AAH(3) of the Act—the present value of the future maintainable profits or future cash flows of services of the kind provided for in the new TransLink service contract that were previously provided by an affected operator who is a party to the arbitration; and
  - (c) the capitalisation of future maintainable profits or the discounting of future cash flows as the principal valuation methodology; and
  - (d) the definition *future cash flows* in subsection (4) when selecting the appropriate discount rate to apply to the future cash flows; and
  - (e) the definition *future maintainable profits* in subsection (4) when selecting the appropriate capitalisation rate to apply to the future maintainable profits; and
  - (f) relevant risk factors including the life of the contract; and

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- (g) the value of the services derived using implied revenue multiples or other customary industry benchmarks.
- (3) An arbitrator must not consider—
- (a) capital gains tax; and
  - (b) additional costs incurred by the existing or affected operator or service contract holder that are not related to the services acquired by the new operator; and
  - (c) income and expenses from activities, including, for example, tourist and charter bus services, that are outside the scope of the new service contract, or the services provided for in the invitation to offer for a TransLink service contract; and
  - (d) economies of scale and operating efficiencies available to a new operator but not able to be achieved or accrued by the existing or affected operator or service contract holder.
- (4) In this section—
- future cash flows*** means future maintainable profits adjusted for depreciation and capital expenditure.
- future maintainable profits*** means earnings before financial leases, interest and tax determined on the basis of past profits adjusted for the following—
- (a) abnormal or exceptional revenue or expense items;
  - (b) owner’s remuneration;
  - (c) variations in accounting standards application;
  - (d) future changes to revenues and costs resulting from announced changes to government policy including, for example, changes in policy about—
    - (i) school payment rates; and
    - (ii) subsidy arrangements; and
    - (iii) average vehicle age.

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**49 Matters to be considered—Act, s 62AAE(2)(d)**

The following matters are prescribed for section 62AAE(2)(d) of the Act—

- (a) evidence that proposed minimum service levels will be achieved;
- (b) evidence of financial viability;
- (c) overall suitability of vehicles, having regard to vehicle age and accessibility.

**50 Service contracts required for administration of taxi services—Act, s 66**

On and from a day to be fixed by the chief executive by gazette notice, the administration of taxi services in a taxi service area must be performed under a service contract.

## **Part 6 Taxi services provided under taxi service licence**

### **Division 1 Preliminary**

**52 Purpose of pt 6**

The purpose of this part is to provide for matters in relation to taxi service licences as required by, or otherwise for, chapter 7 of the Act.

*Note—*

Section 68 of the Act sets out the purpose of taxi service licences.

**52A Application of pt 6**

This part applies only in relation to taxi services provided under a taxi service licence.

[s 53]

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*Note—*

See part 6A for provisions about taxi services provided other than under a taxi service licence.

**53 Limitation on number of taxi service licences held by single operator and associates—Act, s 78**

- (1) If there are more than 10 but not more than 20 taxi service licences for a taxi service area, a person must not hold more than 10 of the licences.
- (2) If there are more than 20 taxi service licences for a taxi service area, a person must not hold more than 50% of the licences.
- (3) For this section, a taxi service licence held by an associate of a person is taken to be held by the person.
- (4) In this section—

*associate*, of a person, means someone who is in 1 or more of the following relationships with the person—

- (a) a spousal relationship;
- (b) the relationship of ascendant or descendant, or the relationship of persons who have a parent or grandparent in common;
- (c) a partnership;
- (d) the relationship of employer and employee;
- (e) a fiduciary relationship;
- (f) the relationship of persons, one of whom is accustomed or under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of the other;
- (g) the relationship of corporation and director or executive officer of the corporation;

- (h) the relationship of corporation and a person who is in a position of control or has substantial influence over the corporation's conduct.

*hold* includes lease.

**54 Transfer, lease or surrender of taxi service licences—Act, s 76**

- (1) The holder of a taxi service licence for a taxi service for an area may—
- (a) transfer or lease the licence to another person who is accredited to provide the service; or
- (b) enter into other operating arrangements about the licence with another person who is accredited to provide the service.

- (2) A person who transfers or leases a taxi service licence to someone else must, before the transfer or lease takes effect, give the chief executive written notice about the proposed transfer or lease.

Maximum penalty—20 penalty units.

- (3) If a person has leased a taxi service licence to someone else, the person must give the chief executive written notice about the end of the lease before the lease ends.

Maximum penalty—20 penalty units.

- (4) The holder of a taxi service licence may surrender the licence by written notice given to the chief executive.
- (5) A surrender takes effect from the day the notice is received by the chief executive or a later day stated in the notice.

- (6) In this section—

*end of the lease* includes expiry of the lease.

[s 55]

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**55 Amendment, suspension and cancellation of taxi service licences—Act, ss 75(1) and 79**

- (1) The chief executive may amend the conditions of a taxi service licence if the chief executive considers the amendment will result in a higher quality of service or will better meet the needs of users.
- (2) The chief executive may suspend or cancel a person's taxi service licence if the chief executive considers—
  - (a) the person has been convicted of a disqualifying offence; or
  - (b) the person contravenes a condition of the licence; or
  - (c) fees, or a taxi industry security levy, payable for the licence remains unpaid after the day payment is required to be made.

*Note—*

Schedule 2 of the Act provides an amendment of the conditions of a taxi service licence, or a suspension or cancellation of a taxi service licence, is a reviewable decision.

- (3) In this section—  
*considers* includes is satisfied.

**56 Notice about amendment, suspension and cancellation of taxi service licences**

- (1) This section applies if the chief executive considers a ground exists, under section 55, to amend the conditions of, or to suspend or cancel, a person's taxi service licence.
- (2) Before taking the action mentioned in subsection (1) (the *proposed action*), the chief executive must give the person a written notice—
  - (a) stating the proposed action; and
  - (b) stating the grounds for the proposed action; and
  - (c) outlining the facts and circumstances forming the basis for the grounds; and



- (d) if the proposed action is amendment of the conditions of the taxi service licence—stating the proposed amendment; and
  - (e) if the proposed action is suspension of the taxi service licence—stating the proposed suspension period; and
  - (f) inviting the person to show, within a stated time of at least 28 days, why the proposed action should not be taken.
- (3) If, after considering all written representations made within the stated time, the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—
- (a) if the proposed action was to amend the conditions of the taxi service licence—
    - (i) amend the licence in the way stated in the regulation notice; or
    - (ii) amend the licence in another way having regard to the representations; or
  - (b) if the proposed action was to suspend the taxi service licence—
    - (i) suspend the licence for no longer than the period stated in the regulation notice; or
    - (ii) amend the conditions of the licence having regard to the representations; or
  - (c) if the proposed action was to cancel the taxi service licence—
    - (i) cancel the licence; or
    - (ii) suspend the licence for a period; or
    - (iii) amend the conditions of the licence having regard to the representations.

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## **57 Immediate suspension of taxi service licences—Act, s 79**

- (1) The chief executive may immediately suspend a person's taxi service licence, by giving a regulation notice to the person, if the chief executive considers it necessary in the public interest.

*Example of public interest—*

behaving in a way the chief executive considers is damaging to the reputation of public passenger transport

*Note—*

Schedule 2 of the Act provides a suspension of a taxi service licence is a reviewable decision and refers to section 79 of the Act. That section provides for an immediate suspension of a taxi service licence.

- (2) The chief executive may, under subsection (1), immediately suspend the person's taxi service licence until the earlier of the following—
  - (a) the chief executive gives the person a regulation notice under section 56(3);
  - (b) the end of 56 days after the regulation notice mentioned in subsection (1) is given to the person.
- (3) This section applies despite section 56.

## **58 Further action after immediate suspension**

- (1) This section applies if—
  - (a) under section 57, the chief executive immediately suspends a person's taxi service licence; and
  - (b) the chief executive also proposes, under section 56, to amend the conditions of, or to suspend or cancel, the taxi service licence.
- (2) The regulation notice under section 57(1) must also state the information mentioned in section 56(2) in relation to the action the chief executive proposes to take.
- (3) Section 56(3) applies to the proposed action as if the regulation notice given under section 57(1) were a notice given under section 56(2).

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**59 Return of taxi service licence if amended, suspended or cancelled**

- (1) This section applies if a person is given a regulation notice—
  - (a) amending the conditions of the person's taxi service licence under section 56; or
  - (b) suspending, including immediately suspending, the person's taxi service licence; or
  - (c) cancelling the person's taxi service licence.
- (2) As soon as practicable after the regulation notice is given to the person (but within 14 days), the person must return the taxi service licence to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.
- (3) Even if the person does not return the taxi service licence, the action stated in the regulation notice has effect from the date stated in the notice.

**60 Other amendments of taxi service licences**

- (1) This section applies only if the chief executive proposes to amend a person's taxi service licence—
  - (a) for a formal or clerical reason; or
  - (b) in another way that does not adversely affect the person's interests; or
  - (c) if the person asks.
- (2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the person.

**60A Taxi service areas for taxi industry security levy—Act, s 80A**

Each taxi service area mentioned in schedule 2A is prescribed for section 80A of the Act.

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## **Division 2                      Operation of taxi services and taxis generally**

### **61           Advertising taxi service**

A person must not advertise a taxi service unless the service is operated by the operator of a taxi service licence.

Maximum penalty—20 penalty units.

### **62           Accepting hirings**

(1) The driver of a taxi available for hire must not refuse a hiring, including a hiring requested through a relevant administrator, for a destination that is within either of the following—

- (a) the taxi service area for which the taxi is licensed;
- (b) 40km of the pick up point.

Maximum penalty—20 penalty units.

(2) In this section—

*relevant administrator*, for a taxi, means a person who administers taxi services provided by using the taxi.

*Note*—

See—

- (a) section 64 of the Act for when a person administers a taxi service; and
- (b) section 43 of the Act for the obligation to hold a service contract for providing a public passenger service (including a service for the administration of taxi services) in particular areas.

### **62A        Requirements about access to continuously operating booking service**

(1) This section applies if a condition of a taxi service licence requires the operator of a taxi service under the licence to have access to a continuously operating booking service.

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- (2) The operator must keep a booking receiver that is in working condition in the taxi to be used to provide the taxi service.

Maximum penalty—20 penalty units.

- (3) The driver of a taxi must not use the taxi under the taxi service licence unless—

- (a) a booking receiver that is in working condition is in the taxi; and
- (b) the booking receiver is connected to the relevant booking despatcher.

Maximum penalty—20 penalty units.

- (4) The driver of a taxi used to provide a taxi service under the taxi service licence must, immediately after the taxi service ends, reset the taximeter fitted to the taxi to remove the record of the fare amount for the taxi service.

*Note—*

See sections 64 and 65 for other requirements about taximeters.

Maximum penalty—20 penalty units.

- (5) In this section—

***booking despatcher*** means the part of a continuously operating booking service that is for despatching information about bookings.

***booking receiver*** means the part of a continuously operating booking service that is for receiving information about bookings.

## 63 Fares and charges for taxis

- (1) The driver of a taxi to which the maximum fares under section 74A of the Act apply must not charge more than the maximum fare.

Maximum penalty—40 penalty units.

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- (2) The driver of a taxi to which the maximum fares do not apply, as mentioned in section 74A(2) of the Act, must not demand more than the agreed amount.

Maximum penalty—20 penalty units.

- (3) In addition to the fare that a driver of a taxi may charge, the driver may charge a person who soils the taxi an additional amount (not more than 1 penalty unit) for cleaning the taxi.
- (4) If the driver of a taxi believes he or she will not be able to obtain the fare at the destination, before starting the hiring, the driver may require the hirer to pay the estimated fare or agreed amount for the hiring as a deposit.
- (5) The driver of a taxi must not drive the vehicle to the destination specified by the hirer in a way that involves excessive charging.

Maximum penalty—20 penalty units.

#### **64 Requirements relating to taximeters**

- (1) The operator of a taxi must ensure the taxi is fitted with a taximeter unless the taxi service licence for the taxi exempts the operator from the requirement.

Maximum penalty—40 penalty units.

- (2) The operator of a taxi to which a taximeter is fitted must ensure that the taximeter records fares in a way that ensures the maximum fares under section 74A(1) of the Act are not exceeded.

Maximum penalty—40 penalty units.

#### **65 Operation of taximeter by taxi driver**

- (1) This section applies to a taxi (fitted with a taximeter)—
- (a) to which the maximum fares under section 74A of the Act apply; or
  - (b) that is stated in a gazette notice under section 74A(2) of the Act, if the agreed fare for the hiring is to be worked

out by referring to the appropriate metered fare for the journey that would otherwise be payable by the hirer for the journey had the taxi not been booked and the fare agreed.

*Examples for paragraph (b)—*

A taxi operator and a hirer agree that the fare for a hiring is to be—

- the metered fare plus \$10; or
- the metered fare plus 50% of the metered fare.

- (2) The driver of the taxi must only activate the taximeter—
- (a) for a hail or rank hiring—when the hirer enters the taxi; or
  - (b) for a booking—when the hirer is notified of the taxi's arrival; or
  - (c) for a booking for a specific time—at that time or the time when the hirer enters the taxi, whichever is earlier.

Maximum penalty—20 penalty units.

- (3) During a hiring, the driver of the taxi must stop the taximeter from registering a charge for any period during which the vehicle is unable to continue the hiring.

Maximum penalty—20 penalty units.

- (4) The driver of the taxi must deactivate the taximeter before asking for, or receiving, payment or a voucher—
- (a) for a hiring other than a hiring under section 66—on arrival at the destination for the hiring; or
  - (b) otherwise—on arrival at the last destination of the multiple hirings.

Maximum penalty—20 penalty units.

## **66 Multiple hiring**

- (1) The driver of a taxi may carry out 2 or more individual hirings, at the same time, if—

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- (a) all of the hirers agree to the driver of the taxi accepting the other hirings; and
  - (b) the hirers are travelling to—
    - (i) destinations in the same locality; or
    - (ii) destinations in the same general direction; and
  - (c) the fare payable by each hirer is less than the maximum metered fare that would be payable by that hirer for a journey direct to that hirer's destination; and
  - (d) each hirer is advised of the rate of discount applying or the applicable fare before the journey starts; and
  - (e) the hirings are not provided to a timetable.
- (2) A driver of a taxi must not carry out 2 or more individual hirings at the same time except under subsection (1).
- Maximum penalty for subsection (2)—20 penalty units.

## **67 Maximum age limits for taxis**

- (1) The operator of a taxi, other than an exempted taxi, must ensure the taxi is not more than the following maximum age limits—
- (a) for a wheelchair accessible vehicle—8 years from the date of compliance;
  - (b) otherwise—6 years from the date of compliance.
- Maximum penalty—20 penalty units.
- (2) Subsection (1) applies even if the taxi is a luxury motor vehicle.

## **68 Control of doors of taxi**

The driver of a taxi must take control over opening and shutting the taxi's doors if—



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- (a) a prospective hirer of a taxi, or the parent or guardian of a prospective hirer, asks the driver to take control over opening and shutting the taxi's doors; and
  - (b) the design of the taxi allows the driver to control the opening and shutting of the taxi's doors by using a device.

Maximum penalty—10 penalty units.

*Note—*

Under schedule 5, section 2(1)(c) taxis must be constructed so passengers have control over the opening and shutting of the vehicle's doors independently of the driver. This section requires a driver, on a specific request, to override the ability of a passenger to open a door.

## **69 Air conditioning in taxis**

- (1) If a taxi is fitted with an air conditioner, the operator of the taxi must ensure the air conditioner is fully operational and in good repair.

Maximum penalty—20 penalty units.

- (2) If a taxi is fitted with an air conditioner and the driver is asked by a hirer to turn the air conditioner on or off, the driver must comply with the request.

Maximum penalty—20 penalty units.

## **70 Vehicle not to look like taxi unless licensed**

- (1) A person must not place, or cause or permit to be placed, any printing or sign on a vehicle that reasonably implies the vehicle is a taxi unless it is a vehicle for which a taxi service licence is in force.

Maximum penalty—20 penalty units.

- (2) After a vehicle stops being a taxi, the operator of the taxi must ensure the vehicle no longer looks like a taxi, including by removing all of the following from the vehicle—

- (a) a hail light;

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- (b) a taximeter;
  - (c) printing or signage relevant to the vehicle as a taxi.
- Maximum penalty—20 penalty units.
- (3) This section does not apply to a vehicle used as a substitute taxi under a substitute taxi authority.

## **Division 3                      Substitute taxis**

### **71            Purpose of div 3**

The purpose of this division is to allow—

- (a) a person who administers taxi services in a relevant area to arrange for the use of a vehicle, that is not a licensed taxi, in substitution of a licensed taxi; and
- (b) the holder of a taxi service licence for an area, other than a relevant area, to use a vehicle that is not a licensed taxi in substitution of a licensed taxi.

### **72            Definitions for div 3**

In this division—

*authorised provider* means—

- (a) a person who administers taxi services in a relevant area; or
- (b) the holder of a taxi service licence for an area other than a relevant area.

*substitute taxi* means a vehicle used by an authorised provider under a substitute taxi authority.

*substitute taxi authority* see section 73.

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**73 Application for grant of substitute taxi authority**

An authorised provider may apply to the chief executive for authority (a *substitute taxi authority*) to allow a vehicle, other than a licensed taxi, to be used to provide a taxi service.

**74 Deciding application**

- (1) The chief executive must consider an authorised provider's application for the grant of a substitute taxi authority and decide to—
  - (a) grant a substitute taxi authority, with or without conditions; or
  - (b) refuse to grant a substitute taxi authority.
- (2) If the chief executive refuses to grant a substitute taxi authority or imposes a condition on the grant of the substitute taxi authority, the chief executive must give the authorised provider a regulation notice about the decision.
- (3) As part of considering the application for the grant of a substitute taxi authority, the chief executive may consider arrangements under which the authorised provider operates, including, for example, if the vehicles to be used as substitute taxis are to be owned, operated or managed by another person.

**75 Circumstances when substitute taxi may be used**

An authorised provider may only use a substitute taxi if a licensed taxi used to provide a taxi service can not be used because of—

- (a) a major mechanical failure; or
- (b) a major accident; or
- (c) another circumstance stated in the substitute taxi authority.

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*Example for paragraph (c)—*

The substitute taxi authority may provide that a 4-wheel drive vehicle can be used when roads are impassable after heavy rain.

Maximum penalty—40 penalty units.

## **76 Consequence of noncompliance with a condition**

An authorised provider must comply with each condition of a substitute taxi authority granted to the authorised provider, unless the authorised provider has a reasonable excuse.

Maximum penalty—40 penalty units.

## **77 Cancellation of substitute taxi authority**

- (1) The chief executive may cancel a substitute taxi authority if the chief executive considers the authorised provider contravened or is contravening a condition of the authority.
- (2) Before cancelling the substitute taxi authority, the chief executive must give the authorised provider a written notice—
  - (a) stating the chief executive is considering cancelling the substitute taxi authority; and
  - (b) stating the grounds for the cancellation; and
  - (c) outlining the facts and circumstances forming the basis for the grounds; and
  - (d) inviting the provider to show, within a stated time of at least 28 days, why the authority should not be cancelled.
- (3) If, after considering all written representations made within the stated time, the chief executive is satisfied the authorised provider contravened or is contravening a condition of the substitute taxi authority, the chief executive may, by giving a regulation notice to the provider, cancel the authority.
- (4) As soon as practicable after the regulation notice is given to the authorised provider (but within 14 days), the provider must return the substitute taxi authority to the chief executive, unless the provider has a reasonable excuse.

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Maximum penalty—10 penalty units.

- (5) Even if the authorised provider does not return the substitute taxi authority, the action stated in the regulation notice has effect from the date stated in the notice.

## **78 Requirements for the use of a substitute taxi**

An authorised provider must not use, or allow the use of, a substitute taxi unless the vehicle—

- (a) is stated in the substitute taxi authority as a vehicle that may be used as a substitute taxi; and
- (b) complies with each condition of the taxi service licence under which the substitute taxi is to be operated; and

*Example of a condition for paragraph (b)—*

a condition that the taxi be operated only in the taxi service area to which the taxi service licence applies

- (c) displays the letters ‘ST’ on the rear and side panels of the vehicle; and
- (d) if the vehicle being used as a substitute taxi is a metered taxi—displays a substitute taxi licence plate issued by the chief executive.

Maximum penalty—40 penalty units.

## **79 Records to be kept when substitute taxi used instead of a licensed taxi**

- (1) An authorised provider must keep a written record of the following information when a substitute taxi is used instead of a licensed taxi—
- (a) the registration number of the substitute taxi;
  - (b) the registration number and any fleet number of the licensed taxi;
  - (c) the date and time of the use of the substitute taxi;
  - (d) the reason why the licensed taxi could not be used;

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- (e) the location of the licensed taxi during the use of the substitute taxi.

Maximum penalty—20 penalty units.

- (2) The authorised provider must keep, or arrange for the keeping of, the following information in the substitute taxi when the authorised provider uses the substitute taxi instead of a licensed taxi—
  - (a) a copy of the information mentioned in subsection (1);
  - (b) a copy of any conditions imposed on the taxi service licence for the licensed taxi;
  - (c) if the authorised provider is not the holder of the taxi service licence—the written permission of the authorised provider for the use of the substitute taxi.

Maximum penalty—40 penalty units.

## **80 When vehicle not used as a substitute taxi**

- (1) If a substitute taxi is not being used as a substitute taxi, the authorised provider must—
  - (a) at the request of the chief executive, make the substitute taxi available for inspection by the chief executive; and
  - (b) unless the substitute taxi is being used other than for providing a taxi service, keep the substitute taxi at a place that is not a public place; and
  - (c) not stand the substitute taxi in a place or in a way that would reasonably imply that the substitute taxi is available for hire as a taxi.

Maximum penalty—40 penalty units.

- (2) If an authorised provider of a substitute taxi uses the vehicle to provide a public passenger service other than as a substitute taxi, the authorised provider must keep a written record of the particulars mentioned in section 124(b), (c), (d) and (e) in

relation to the vehicle while it is used to provide the public passenger service other than as a substitute taxi.

Maximum penalty—20 penalty units.

## Division 4                      Taxi security camera systems

### 81                      Definitions for div 4

In this division—

***approved taxi security camera system*** means a taxi security camera system that, under section 87, is approved by the chief executive, or taken to be approved.

***approved taxi security camera system sign*** means a sign approved under section 89.

***authorised purpose***, for an image recording made by an approved taxi security camera system fitted in a taxi, means—

- (a) the examination of a complaint relating to the taxi, or an event that happened in or about the taxi, carried out by—
  - (i) the operator of the taxi service that uses the taxi or, if the operator is a corporation, an executive officer of the corporation; or
  - (ii) an employee of the operator, acting under the direct and immediate supervision of the operator or the executive officer; or

*Examples for paragraph (a) of matters that may be the subject of a complaint—*

- fare evasion
- lost property
- disorderly conduct
- offensive behaviour
- theft of property
- physical assaults not causing injury

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- (b) for, or in connection with, the prosecution of, or the issue of an infringement notice for, an offence committed in or about the taxi; or
- (c) another purpose relating to a police officer's performance of duties as a police officer; or
- (d) another purpose relating to the performance by a public service officer employed in the department of duties, as an officer of the department, relating to the administration of taxi security camera systems fitted in taxis; or
- (e) the carrying out of work by a manufacturer or supplier of the approved taxi security camera system to maintain, or address a failure in, the approved taxi security camera system.

***fully operational***, for an approved taxi security camera system, means the visual indicator on the approved taxi security camera system, designed to show whether the approved taxi security camera system is operational, indicates the approved taxi security camera system is operational.

***holder***, of a taxi service licence, includes the authorised provider of a substitute taxi.

***image recording*** includes—

- (a) any electronically stored information from which a recorded image is capable of being generated; and
- (b) any printout or other reproduction of the recorded image.

***relevant place***, for an approved taxi security camera system sign in or on a taxi, means—

- (a) each door of the taxi, in a place approved by the chief executive; and
- (b) another conspicuous place inside the taxi that allows passengers of the taxi to readily see the sign.

***relevant taxi service area*** means a taxi service area mentioned in schedule 3.



*taxi* includes a substitute taxi being used as a substitute taxi.

*taxi security camera system* means a system designed to record images of persons in or about a taxi.

## **82 Obligation on holder of taxi service licence**

- (1) The holder of a taxi service licence for a relevant taxi service area must ensure the taxi operated under the licence is fitted with an approved taxi security camera system.

Maximum penalty—40 penalty units.

- (2) The holder of a taxi service licence for a taxi fitted with an approved taxi security camera system must ensure that, at the time the holder makes the taxi available to the operator of the taxi service that uses the taxi—

- (a) the approved taxi security camera system is fully operational; and
- (b) an approved taxi security camera system sign is displayed at each relevant place in or on the taxi.

Maximum penalty—40 penalty units.

## **83 Obligation on operator of taxi service**

The operator of a taxi service must ensure that, if a taxi used to provide the service is fitted with an approved taxi security camera system, at the time the operator makes the taxi available to a driver of the taxi—

- (a) the approved taxi security camera system is fully operational; and
- (b) an approved taxi security camera system sign is displayed at each relevant place in or on the taxi.

Maximum penalty—40 penalty units.

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#### **84 Obligation on driver of taxi**

The driver of a taxi fitted with an approved taxi security camera system must not drive the taxi while the taxi is available for hire unless—

- (a) the approved taxi security camera system is fully operational; and
- (b) an approved taxi security camera system sign is displayed at each relevant place in or on the taxi.

Maximum penalty—40 penalty units.

#### **85 Holder of licence may give chief executive notice that approved taxi security camera system not operational**

- (1) This section applies if—
  - (a) a taxi fitted with an approved taxi security camera system is operated under a taxi service licence; and
  - (b) the holder of the taxi service licence for, or the operator of the taxi service that uses, the taxi gives the chief executive written notice that the approved taxi security camera system is not, or will not be, fully operational during a period because it is undergoing maintenance or repair; and
  - (c) a copy of the notice given to the chief executive is kept in the taxi during the notice period.
- (2) Neither the holder of the licence nor the operator of the taxi service commits an offence against section 82(2) or 83 for making the taxi available to another person without a fully operational approved taxi security camera system during the notice period.
- (3) The driver of the taxi does not commit an offence against section 84 by driving the taxi without a fully operational approved taxi security camera system during the notice period.
- (4) In this section—

*gives* includes send by mail, facsimile or email.

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*notice period* means the period—

- (a) starting on the later of the following days—
  - (i) the day the notice is given to the chief executive;
  - (ii) the day stated in the notice as the first day the approved taxi security camera system will not be operational; and
- (b) ending on the day stated in the notice as the last day the approved taxi security camera system will not be operational, but not more than 4 days after the day the period starts.

**86 Chief executive may approve specifications for taxi security camera system**

The chief executive may, by gazette notice, approve specifications for a taxi security camera system.

**87 Chief executive may approve taxi security camera system**

- (1) The chief executive may, by gazette notice—
  - (a) approve a taxi security camera system that complies with specifications approved under section 86 for use in taxis; or
  - (b) revoke an approval for a taxi security camera system.
- (2) An approval under subsection (1)(a) may be subject to conditions.
- (3) Without limiting subsection (2), a condition may relate to the following matters—
  - (a) the technical and functional specifications of the taxi security camera system;
  - (b) the requirements for support services to be provided by the manufacturer or supplier of the taxi security camera system;
  - (c) the maintenance of the taxi security camera system;

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- (d) security controls for the taxi security camera system;
  - (e) the disclosure or use of image recordings from the taxi security camera system.
- (4) The chief executive may, under subsection (1)(b), revoke an approval only if the chief executive reasonably believes—
- (a) the taxi security camera system no longer complies with specifications approved under section 86; or
  - (b) the taxi security camera system no longer complies with the approval; or
  - (c) the manufacturer or supplier of the taxi security camera system has breached a condition of the approval.
- (5) If the chief executive revokes an approval for a taxi security camera system—
- (a) the taxi security camera system is taken to be approved for the relevant period; and
  - (b) the holder of a taxi service licence for a relevant taxi service area does not commit an offence against section 82(1), for operating a taxi fitted with that taxi security camera system, during the relevant period.
- (6) In this section—
- relevant period* means the period—
- (a) starting on the day the approval is revoked; and
  - (b) ending on the day that is 6 months after the day the approval is revoked.

**88 Taxi not to be fitted with taxi security camera system that has not been approved**

A person must not fit, or cause to be fitted, a taxi security camera system in a taxi unless it is an approved taxi security camera system.

Maximum penalty—40 penalty units.

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**89 Approval of signs**

- (1) The chief executive may approve a sign for display in or on a taxi fitted with an approved taxi security camera system that states a security camera is fitted and operating in the taxi.
- (2) An approval under subsection (1) must be published in the gazette.

**90 Person must not tamper with an approved taxi security camera system**

- (1) A person must not, without lawful authority or excuse, tamper with an approved taxi security camera system fitted in a taxi.  
Maximum penalty—40 penalty units.
- (2) In this section—  
*tamper* includes attempt to tamper.

**91 Use of image recordings from approved taxi security camera system**

- (1) A person must not—
  - (a) sell an image recording made by an approved taxi security camera system fitted in a taxi; or
  - (b) otherwise disclose or use an image recording made by an approved taxi security system fitted in a taxi other than for an authorised purpose.Maximum penalty—80 penalty units.
- (2) A person who downloads an image recording made by an approved taxi security camera system fitted in a taxi must keep a record of the following—
  - (a) the VIN of the taxi from which the image recording is taken;
  - (b) the date, time and location at which the image recording is downloaded;
  - (c) the person's name;

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- (d) the reason for downloading the image recording;
- (e) the name and contact details of—
  - (i) the person asking for the image recording to be downloaded; and
  - (ii) the person, if any, to whom the image recording is to be given;
- (f) the date, time and filename of the image recording.

Maximum penalty—80 penalty units.

- (3) A person who makes a record under subsection (2) must give a copy of the record to the chief executive within 1 working day after downloading the image recording.

Maximum penalty—80 penalty units.

- (4) In this section—

*give* includes send by mail, facsimile or email.

*VIN* has the meaning given by the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

## 92 Security safeguards to be taken to protect against unauthorised use of image recording

- (1) A relevant person must take all security safeguards, that are reasonable in the circumstances for the person to take, to ensure that an image recording made by an approved taxi security camera system fitted in a taxi is protected against—

- (a) misplacement; or
- (b) disclosure or use other than for an authorised purpose.

Maximum penalty—80 penalty units.

- (2) In this section—

*relevant person*, for an image recording made by an approved taxi security camera system fitted in a taxi, means—

- (a) the holder of the taxi service licence for the taxi; or

- (b) the operator of the taxi service that uses the taxi to provide the service; or
- (c) the driver of the taxi; or
- (d) a person who uses the image recording for an authorised purpose.

### 93 Disposal of image recordings

- (1) This section applies if the operator of a taxi service or, if the operator is a corporation, an executive officer of the corporation, downloads an image recording from an approved taxi security camera system fitted in a taxi used to provide the service.
- (2) The operator or executive officer must delete or otherwise destroy the image recording not less than 30 days, but not more than 35 days, after the day the image recording is downloaded.

Maximum penalty—80 penalty units.

## Division 5 Taxi subsidy scheme

### Subdivision 1 Definitions

#### 94 Definitions for div 5

In this division—

*approved card reader* means an electronic device, of a type approved by the chief executive, for use in a taxi to—

- (a) verify that a membership card is current; and
- (b) verify that the driver of a taxi holds driver authorisation; and
- (c) enable the automatic calculation of a benefit under the taxi subsidy scheme for a taxi journey; and

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(d) facilitate payments under the taxi subsidy scheme.

**approved relevant person** means a person whose application under section 95 has been approved.

**authorised purpose**, in relation to taxi subsidy scheme information, means any of the following purposes—

- (a) for, or in connection with, the prosecution of, or the issue of an infringement notice for, an offence committed in or about the taxi to which the taxi subsidy scheme information relates;
- (b) a purpose relating to a police officer's performance of duties as a police officer, other than a purpose mentioned in paragraph (a);
- (c) the administration of the taxi subsidy scheme, including—
  - (i) planning for the scheme; and
  - (ii) the performance of a service, for the administration of the scheme, under a contract with the State; and
  - (iii) payments to taxi operators and drivers under the scheme;
- (d) the carrying out of work by a manufacturer or supplier of an approved card reader, or equipment used in connection with an approved card reader, to maintain, or address a failure in, the equipment;
- (e) the disclosure or use of taxi subsidy scheme information as required or authorised under an Act.

**manual card reader** means a device capable of taking an imprint from a membership card.

**membership card** means an electronic card that—

- (a) is or has been issued by the chief executive in relation to an approved relevant person's membership of the taxi subsidy scheme, for use with an approved card reader or a manual card reader; and
- (b) includes a photograph of the approved relevant person.



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***relevant person*** means a person who—

- (a) has a physical disability making the person dependant on a wheelchair for mobility outside the person's residence; or
- (b) has a physical disability or other medical condition that restricts the person from walking, unassisted and without a rest, 50m or less and—
  - (i) makes the person permanently dependant on a walking aid; or
  - (ii) prevents the person from ascending or descending 3 steps without assistance; or
  - (iii) has resulted in a history of frequent falls; or
  - (iv) is a condition that is an advanced cardiovascular, respiratory or neurological disorder; or
  - (v) causes severe pain limiting ambulation, verifiable by appropriate clinical investigations; or
- (c) has a physical disability or other medical condition requiring—
  - (i) the person to ordinarily carry treatment equipment which, when carried, restricts the person from walking, unassisted and without rest, 50m or less; or
  - (ii) someone else to ordinarily carry or administer treatment equipment for the person; or
- (d) has a severe emotional or behavioural disorder with a level of disorganisation resulting in the need to be always accompanied by another person for travel on public transport; or
- (e) has a total loss of vision or severe permanent visual impairment; or
- (f) has severe and uncontrollable epilepsy; or
- (g) has an intellectual disability causing behavioural problems—

[s 95]

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- (i) resulting in socially unacceptable behaviour; and
  - (ii) requiring the constant assistance of someone else for travel on public transport; or
- (h) has a clinical condition resulting in a disability mentioned in paragraphs (a) to (g) of a temporary nature, and is undergoing medical, surgical or rehabilitative treatment for the disability, requiring the person to have access to taxi travel for a period of at least 5 months.

*taxi subsidy scheme* means a scheme, administered by the chief executive, under which the State pays part of taxi fares for approved relevant persons by providing a benefit to each approved relevant person in relation to the cost of taxi travel, without providing amounts of money to the person.

*taxi subsidy scheme information* means—

- (a) information, whether or not in electronic form, on a membership card; or
- (b) information generated or transmitted under the taxi subsidy scheme by an approved card reader; or
- (c) a record, or other information, derived from information generated or transmitted under the taxi subsidy scheme by an approved card reader.

## **Subdivision 2      Membership of taxi subsidy scheme**

### **95      Application for, and grant or refusal of, assistance under taxi subsidy scheme**

- (1) A person may apply to the chief executive for membership of the taxi subsidy scheme as a relevant person.
- (2) The application must be in the approved form.
- (3) The chief executive must consider the application and decide—
  - (a) to approve the application; or

- 
- (b) under subsection (4), to refuse to approve the application.
  - (4) The chief executive may, by giving a regulation notice to a person, refuse to approve the application if—
    - (a) the chief executive is not satisfied the person is a relevant person; or
    - (b) the person has been convicted of an offence against section 149(3) of the Act in relation to a taxi subsidy scheme.

**96 Chief executive may cancel assistance under taxi subsidy scheme**

- (1) The chief executive may cancel a person's approval as an approved relevant person if—
  - (a) the chief executive is no longer satisfied the person is a relevant person; or
  - (b) the person has been convicted of an offence against section 149(3) of the Act in relation to a taxi subsidy scheme.
- (2) Before cancelling the approval, the chief executive must give the approved relevant person a written notice—
  - (a) stating the chief executive is considering cancelling the approval; and
  - (b) stating the grounds for the cancellation; and
  - (c) outlining the facts and circumstances forming the basis for the grounds; and
  - (d) inviting the person to show, within a stated time of at least 28 days, why the cancellation should not be taken.
- (3) If, after considering all written representations made within the stated time, the chief executive is not satisfied the person is a relevant person as mentioned in subsection (1)(a), or is satisfied the person has been convicted as mentioned in subsection (1)(b), the chief executive may, by giving a regulation notice to the person, cancel the approval.

[s 96AA]

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- (4) Unless the person has a reasonable excuse, as soon as practicable after the regulation notice is given to the approved relevant person (but within 14 days), the person must return to the chief executive—
- (a) the person's membership card evidencing the person's membership of the taxi subsidy scheme; and
  - (b) any unused taxi vouchers given under the taxi subsidy scheme.

Maximum penalty—10 penalty units.

- (5) Even if the person does not return the membership card or any unused taxi vouchers given under the taxi subsidy scheme, the action stated in the regulation notice has effect from the date stated in the notice.

### **96AA Production of membership card to receive benefit**

An approved relevant person can not receive a benefit under the taxi subsidy scheme for a taxi journey by the person unless the person produces his or her membership card to the driver of the taxi for the journey that is to be subsidised.

## **Subdivision 3 Obligations on all persons**

### **96AB Disclosure or use of taxi subsidy scheme information**

A person must not disclose or use taxi subsidy scheme information other than for an authorised purpose.

Maximum penalty—80 penalty units.

### **96AC Misusing, or tampering with, membership card or approved card reader**

A person must not misuse, or tamper with, a membership card or approved card reader.

Maximum penalty—40 penalty units.

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## **Subdivision 4      Obligations on holder of taxi service licence or substitute taxi authority**

### **96AD   Ensuring approved card reader is fitted**

- (1) The holder of a taxi service licence must ensure a taxi operated under the licence is fitted with an approved card reader if the taxi is not an exempted taxi.

Maximum penalty—40 penalty units.

- (2) The holder of a substitute taxi authority must ensure a substitute taxi used under the authority is fitted with an approved card reader.

Maximum penalty—40 penalty units.

### **96AE   Ensuring approved card reader appears to be working when making taxi or substitute taxi available under lease or contract**

- (1) This section applies if—
- (a) the holder of—
    - (i) a taxi service licence for a taxi leases the licence; or
    - (ii) a substitute taxi authority for a taxi enters into a contract or other arrangement in relation to the substitute taxi authority; and
  - (b) the holder makes the taxi or substitute taxi available to another person under the lease, contract or arrangement; and
  - (c) the taxi or substitute taxi is fitted with an approved card reader; and
  - (d) for the taxi—the taxi is not an exempted taxi.

[s 96AF]

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- (2) The holder must ensure the approved card reader appears to be working when the holder makes the taxi or substitute taxi available to the other person.

Maximum penalty—40 penalty units.

## **Subdivision 5      Obligations on operator**

### **96AF    Ensuring approved card reader appears to be working when taxi is made available to driver**

- (1) This section applies if—
  - (a) the operator of a taxi service makes available to a driver a taxi used to provide the service; and
  - (b) the taxi is fitted with an approved card reader; and
  - (c) the taxi is not an exempted taxi.
- (2) The operator must ensure the approved card reader appears to be working when the operator makes the taxi available to the driver.

Maximum penalty—40 penalty units.

### **96AG    Ensuring approved card reader interfaces with taximeter and is kept connected**

- (1) This section applies if—
  - (a) a taxi used to provide a taxi service is fitted with an approved card reader; and
  - (b) the taxi is fitted with a taximeter; and
  - (c) the taxi is not an exempted taxi.
- (2) The operator of the service must ensure the approved card reader interfaces with the taximeter to enable the automatic calculation of the benefit under the taxi subsidy scheme for a journey.

Maximum penalty—20 penalty units.

- 
- (3) The operator of the service must ensure a connection for the electronic transmission of information is kept between the taximeter and the approved card reader while the taxi is in use.

Maximum penalty—20 penalty units.

- (4) The operator of the service does not commit an offence against subsection (2) or (3) if—
- (a) a defect in, or damage to, the approved card reader or the taximeter prevents compliance with the subsection; and
  - (b) arrangements have been made to repair the approved card reader.

#### **96AH Manual card reader and restricted use slips to be carried in taxi**

- (1) The operator of a taxi service must ensure that, while a taxi used to provide the service is available for hire, both of the following are carried in the taxi—

- (a) a manual card reader;
- (b) a sufficient number of restricted use slips for the period of time that the taxi is available for hire.

Maximum penalty—20 penalty units.

- (2) In this section—

*restricted use slip* means a document that is used in association with a manual card reader to facilitate payments of taxi fares under a taxi subsidy scheme.

### **Subdivision 6 Obligations on taxi driver**

#### **96AI Driver authorisation number to be entered**

- (1) This section applies if—
- (a) a taxi is fitted with an approved card reader; and

[s 96AJ]

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- (b) the taxi is not an exempted taxi.
  - (2) The driver of the taxi must—
    - (a) enter his or her driver authorisation number into the approved card reader at the start of each shift to validate the currency of his or her driver authorisation; and
    - (b) sight the response from the approved card reader.
- Maximum penalty—40 penalty units.
- (3) The driver does not commit an offence against subsection (2) if—
    - (a) a defect in, or damage to, the approved card reader prevents compliance with the subsection; and
    - (b) arrangements have been made to repair the approved card reader.

### **96AJ How approved card reader must be used**

- (1) This section applies if—
  - (a) an approved relevant person produces the person's membership card to the driver of a taxi, used to provide a taxi service, for the journey that is to be subsidised; and
  - (b) the taxi is fitted with an approved card reader; and
  - (c) the taxi is not an exempted taxi.
- (2) The driver must—
  - (a) insert the membership card into the approved card reader—
    - (i) to validate the currency of the approved relevant person's membership of the taxi subsidy scheme; and
    - (ii) to facilitate the payment, under the scheme, in relation to the fare for the journey; and
  - (b) sight the response for paragraph (a)(i) from the approved card reader.



Maximum penalty—40 penalty units.

- (3) The driver does not commit an offence against subsection (2) if—
- (a) a defect in, or damage to, the approved card reader prevents compliance with the subsection; and
  - (b) arrangements have been made to repair the approved card reader.

### **96AK When manual card reader must be used**

- (1) This section applies if—
- (a) an approved relevant person produces the person's membership card to the driver of a taxi, used to provide a taxi service, for the journey that is to be subsidised; and
  - (b) the taxi is not an exempted taxi; and
  - (c) the taxi is fitted with an approved card reader; and
  - (d) the approved card reader is not working properly or at all; and
  - (e) a manual card reader is carried in the taxi.
- (2) The driver of the taxi must use the manual card reader to take an imprint of the membership card.

Maximum penalty—40 penalty units.

### **96AL When manual card reader must not be used**

The driver of a taxi must not use a manual card reader unless—

- (a) the taxi is an exempted taxi; or
- (b) the approved card reader is not working properly or at all.

Maximum penalty—40 penalty units.

[s 96AM]

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**96AM Driver to compare photograph and not to hire taxi to particular person**

- (1) If, for a journey, a hirer of a taxi produces a membership card to the driver of the taxi, the driver must make a visual comparison between the person and the photograph on the membership card.

Maximum penalty—40 penalty units.

- (2) The driver of a taxi must not hire the taxi to a person for a journey if the driver reasonably believes that—
- (a) the person is not an approved relevant person; and
  - (b) the person intends to obtain a benefit under the taxi subsidy scheme in relation to the fare for the journey.

Maximum penalty—40 penalty units.

**96AN Driver of taxi must not refuse hiring by approved relevant person**

The driver of a taxi available for hire must not refuse a hiring by an approved relevant person, unless the driver has a reasonable excuse.

Maximum penalty—40 penalty units.

**Division 6                      Taxi driver display cards and interim taxi driver display cards**

**Subdivision 1              Taxi driver display cards**

**96AO Issue of taxi driver display card**

The chief executive may issue a taxi driver display card to a holder of driver authorisation for a taxi.

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**96AP Taxi driver display card to be displayed**

- (1) The driver of a taxi must not drive the taxi in a prescribed area while the taxi is available for hire unless the taxi driver displays the taxi driver display card for the driver in a prominent position inside the taxi so that information on the card is readily visible to all passengers in the taxi.

Maximum penalty—20 penalty units.

*Note—*

A taxi driver display card is an authorising document.

*Editor's note—*

Taxi service areas are described on the department's website at <[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)>.

- (2) However, the driver of a taxi does not commit an offence under subsection (1) if the driver—
- (a) is driving a NSW taxi to provide a cross-border taxi service; or
  - (b) is displaying an interim taxi driver display card for the driver under section 96AU; or
  - (c) is driving a taxi for a passenger journey originating in a taxi service area other than a prescribed area.

**96AQ Person not to display taxi driver display card unless person holds driver authorisation for a taxi**

A person issued a taxi driver display card under section 96AO who is driving a taxi while the taxi is available for hire must not display the card in the taxi unless the person holds driver authorisation for a taxi.

Maximum penalty—60 penalty units.

[s 96AR]

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## **Subdivision 2      Interim taxi driver display cards**

### **96AR Issue of interim taxi driver display card**

The chief executive may issue an interim taxi driver display card to an accredited operator of a taxi service who provides a taxi service in a prescribed area to enable the accredited operator to assign the card to a person if—

- (a) the person holds driver authorisation for a taxi; and
- (b) either—
  - (i) the most recent taxi driver display card issued to the person has been damaged, lost or stolen; or
  - (ii) the person has not been issued a taxi driver display card.

### **96AS Temporary assignment of interim taxi driver display card by accredited operator of a taxi service**

- (1) An accredited operator of a taxi service who has been issued an interim taxi driver display card under section 96AR may assign the card to a person for a term of 2 weeks if—
  - (a) either—
    - (i) the most recent taxi driver display card issued to the person has been damaged, lost or stolen; or
    - (ii) a taxi driver display card has not been issued to the person; and
  - (b) the person gives the operator the following information about the person, and the operator has no reason to suspect the information is false—
    - (i) evidence that the person holds driver authorisation for a taxi;
    - (ii) written notice that—

- (A) the most recent taxi driver display card issued to the person has been damaged, lost or stolen; or
- (B) the person has not been issued a taxi driver display card.

*Note—*

An interim taxi driver display card is an authorising document.

- (2) An accredited operator of a taxi service must not assign an interim driver display card to a person unless the person holds driver authorisation for a taxi.

Maximum penalty for subsection (2)—40 penalty units.

**96AT Temporary issue of interim taxi driver display card by chief executive**

The chief executive may issue an interim taxi driver display card to a person who drives a taxi in a prescribed area for a term of 2 weeks if—

- (a) the person holds driver authorisation for a taxi; and
- (b) either—
  - (i) the most recent taxi driver display card issued to the person has been damaged, lost or stolen; or
  - (ii) a taxi driver display card has not been issued to the person.

**96AU When interim taxi driver display card must, or must not, be displayed**

- (1) This section applies if the driver of a taxi holds an interim taxi driver display card.
- (2) The driver must not drive the taxi in a prescribed area while the taxi is available for hire unless the taxi driver displays the interim taxi driver display card in a prominent position inside the taxi so that information on the card is readily visible to all passengers in the taxi.

[s 96AV]

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Maximum penalty—20 penalty units.

*Note—*

An interim taxi driver display card is an authorising document.

- (3) However, the driver of a taxi does not commit an offence under subsection (2) if the driver—
  - (a) is driving a NSW taxi to provide a cross-border taxi service; or
  - (b) is driving a taxi for a passenger journey originating in a taxi service area other than a prescribed area.
- (4) A person assigned or issued an interim taxi driver display card under section 96AS or 96AT who is driving a taxi in a prescribed area while the taxi is available for hire must not display the card in the taxi—
  - (a) other than during the term for which the card was issued or the term of the assignment; or
  - (b) if the person has been issued a taxi driver display card.

Maximum penalty—20 penalty units.

*Note—*

See also section 96AZ.

### **96AV False or misleading information relating to assignment**

A person must not give an accredited operator of a taxi service information the person knows is false or misleading in a material particular relating to the assignment of an interim taxi driver display card to the person.

Maximum penalty—40 penalty units.

### **96AW Record to be kept about assignment**

An accredited operator of a taxi service who assigns an interim taxi driver display card to a person under section 96AS must keep a written record of the following for at least 5 years after the assignment at a place of business of the accredited operator—

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- (a) the name and driver authorisation number of the person to whom the card is assigned;
  - (b) the reason for the assignment;
  - (c) the date of the assignment;
  - (d) the date the card is returned to the accredited operator;

Maximum penalty—20 penalty units.

### **96AX Return of interim taxi driver display card**

- (1) A person who is assigned an interim taxi driver display card under section 96AS must, unless the person has a reasonable excuse, return the card to the accredited operator of a taxi service who assigned the card to the person—

- (a) within 2 weeks after the term of the assignment ends; or
- (b) if requested by the accredited operator—
  - (i) immediately after the request is made; or
  - (ii) within the period stated by the accredited operator; or
- (c) within 2 weeks after the person's driver authorisation for a taxi is suspended or cancelled.

Maximum penalty—20 penalty units.

- (2) Subsection (1) applies despite the assignment of the card to the person for a term of 2 weeks.

- (3) A person who is issued an interim taxi driver display card under section 96AT must, unless the person has a reasonable excuse, return the card to the chief executive—

- (a) within 2 weeks after the term for which the card was issued ends; or
- (b) within 2 weeks after the person's driver authorisation for a taxi is suspended or cancelled.

Maximum penalty—20 penalty units.

[s 96AY]

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**96AY Duty to notify damage, loss or theft of interim taxi driver display card**

- (1) If an interim taxi driver display card is—
- (a) issued to an accredited operator of a taxi service under section 96AR; and
  - (b) assigned to a person under section 96AS; and
  - (c) damaged, lost or stolen;

the person must give the accredited operator written notice of the damage, loss or theft, as soon as possible, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) If an interim taxi driver display card is—
- (a) issued to an accredited operator of a taxi service under section 96AR; and
  - (b) damaged, lost or stolen;

the accredited operator must give the chief executive written notice of the damage, loss or theft no later than 5p.m. on the next business day after becoming aware of the damage, loss or theft, unless the accredited operator has a reasonable excuse.

Maximum penalty—20 penalty units.

**96AZ Person not to display interim taxi driver display card unless person holds driver authorisation for a taxi**

A person assigned or issued an interim taxi display card under section 96AS or 96AT who is driving a taxi while the taxi is available for hire must not display the card in the taxi unless the person holds driver authorisation for a taxi.

Maximum penalty—60 penalty units.



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## Part 6A                      Taxi services provided other than under taxi service licence

### 96A      Services for which taxi service licence not required

- (1) A cross-border taxi service is a taxi service to which section 70 of the Act does not apply.
- (2) Subsection (1) does not prevent an operator of a cross-border taxi service from applying for, and obtaining, a taxi service licence.

### 96B      Requirement to carry licence for NSW taxi

- (1) The operator of a cross-border taxi service must ensure the licence for the NSW taxi used to provide the service is kept inside the taxi and is readily available to the driver of the taxi.

Maximum penalty—40 penalty units.

- (2) A person driving a NSW taxi to provide a cross-border taxi service must, if asked by an authorised person, make the licence for the taxi available for inspection by the authorised person.

Maximum penalty—40 penalty units.

- (3) In this section—

*licence*, for a NSW taxi, means—

- (a) the licence under the *Passenger Transport Act 1990* (NSW), part 4, division 4 relating to the taxi; or
- (b) a copy of the licence mentioned in paragraph (a).

### 96C      Cross-border taxi ranks

- (1) The chief executive may erect or place a sign at a taxi rank in the Queensland–NSW border area identifying the taxi rank as a taxi rank where a NSW taxi can ply or stand for hire by a person intending to make a journey to New South Wales.

- (2) In this section—

[s 97]

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***Queensland–NSW border area*** means the part of Queensland bound by the following—

- (a) Currumbin Creek;
- (b) Tomewin Mountain Road;
- (c) the border between Queensland and New South Wales;
- (d) the Queensland shoreline.

## **Part 7                      Limousine services**

### **Division 1                Preliminary**

#### **97        Purpose of pt 7**

The purpose of this part is to provide for matters in relation to limousine service licences as required by, or otherwise for, chapter 8 of the Act.

*Note—*

Section 81 of the Act sets out the purpose of limousine service licences.

### **Division 2                Limousine service licences**

#### **98        Transfer, lease or surrender of limousine service licences—Act, s 89**

- (1) The holder of a limousine service licence for a limousine service for an area may—
  - (a) transfer or lease the licence to another person who is accredited to provide the service; or
  - (b) enter into other operating arrangements about the licence with another person who is accredited to provide the service.

- 
- (2) A person who transfers or leases a limousine service licence to someone else must, before the transfer or lease takes effect, give the chief executive written notice about the proposed transfer or lease.

Maximum penalty—20 penalty units.

- (3) If a person has leased a limousine service licence to someone else, the person must give the chief executive written notice about the end of the lease before the lease ends.

Maximum penalty—20 penalty units.

- (4) Subsections (1) to (3) do not apply to a special purpose limousine service licence.

- (5) The holder of a limousine service licence may surrender the licence by written notice given to the chief executive.

- (6) A surrender takes effect from the day the notice is received by the chief executive or a later day stated in the notice.

- (7) In this section—

*end of the lease* includes expiry of the lease.

## **99 Amendment, suspension and cancellation of limousine service licences—Act, ss 88(1) and 91**

- (1) The chief executive may amend the conditions of a limousine service licence if satisfied the amendment will result in a higher quality of service or will better meet the needs of users.

- (2) The chief executive may suspend or cancel a person's limousine service licence if satisfied—

(a) the person has been convicted of a disqualifying offence; or

(b) the person contravenes a condition of the licence; or

(c) fees payable for the licence remain unpaid after the day payment is required to be made.

[s 100]

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*Note—*

Schedule 2 of the Act provides an amendment of a limousine service licence, or suspension or cancellation of a limousine service licence, is a reviewable decision.

## **100 Notice about amendment, suspension and cancellation of limousine service licences**

- (1) This section applies if the chief executive considers a ground exists under section 99 to amend the conditions of, or to suspend or cancel, a person's limousine service licence.
- (2) Before taking the action mentioned in subsection (1) (the *proposed action*), the chief executive must give the person a written notice—
  - (a) stating the proposed action; and
  - (b) stating the grounds for the proposed action; and
  - (c) outlining the facts and circumstances forming the basis for the grounds; and
  - (d) if the proposed action is amendment of the conditions of the limousine service licence—stating the proposed amendment; and
  - (e) if the proposed action is suspension of the limousine service licence—stating the proposed suspension period; and
  - (f) inviting the person to show, within a stated time of at least 28 days, why the proposed action should not be taken.
- (3) If, after considering all written representations made within the stated time, the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—
  - (a) if the proposed action was to amend the conditions of the limousine service licence—
    - (i) amend the licence in the way stated in the regulation notice; or

- 
- (ii) amend the licence in another way, having regard to the representations; or
  - (b) if the proposed action was to suspend the limousine service licence—
    - (i) suspend the licence for no longer than the period stated in the regulation notice; or
    - (ii) amend the conditions of the licence having regard to the representations; or
  - (c) if the proposed action was to cancel the limousine service licence—
    - (i) cancel the licence; or
    - (ii) suspend the licence for a period; or
    - (iii) amend the conditions of the licence having regard to the representations.

### **101 Immediate suspension of limousine service licences—Act, s 91**

- (1) The chief executive may immediately suspend a person's limousine service licence, by giving a regulation notice to the person, if the chief executive considers it necessary in the public interest.

*Example of public interest—*

behaving in a way the chief executive considers is damaging to the reputation of public passenger transport

- (2) The chief executive may, under subsection (1), immediately suspend the person's limousine service licence until the earlier of the following—
  - (a) the chief executive gives the person a regulation notice under section 100(3);
  - (b) the end of 56 days after the regulation notice under subsection (1) is given to the person.
- (3) This section applies despite section 100.

[s 102]

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*Note—*

Schedule 2 of the Act provides a suspension of a limousine service licence is a reviewable decision and refers to section 91 of the Act. That section provides for an immediate suspension of a limousine service licence.

## **102 Further action after immediate suspension**

- (1) This section applies if—
  - (a) under section 101, the chief executive immediately suspends a person’s limousine service licence; and
  - (b) the chief executive also proposes, under section 100, to amend the conditions of, or to suspend or cancel, the limousine service licence.
- (2) The regulation notice under section 101(1) must also state the information mentioned in section 100(2) in relation to the action the chief executive proposes to take.
- (3) Section 100(3) applies to the proposed action as if the regulation notice given under section 101(1) were a notice given under section 100(2).

## **103 Return of limousine service licence if amended, suspended or cancelled**

- (1) This section applies if a person is given a regulation notice—
  - (a) amending the conditions of the person’s limousine service licence under section 99; or
  - (b) suspending, including immediately suspending, the person’s limousine service licence; or
  - (c) cancelling the person’s limousine service licence.
- (2) As soon as practicable after the regulation notice is given to the person (but within 14 days), the person must return the limousine service licence to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

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- (3) Even if the person does not return the limousine service licence, the action stated in the regulation notice has effect from the date stated in the notice.

#### **104 Other amendments of limousine service licences**

- (1) This section applies only if the chief executive proposes to amend a person's limousine service licence—
- (a) for a formal or clerical reason; or
  - (b) in another way that does not adversely affect the person's interests; or
  - (c) if the person asks.
- (2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the person.

### **Division 3 Operation of limousine services**

#### **105 Luxury motor vehicles—Act, sch 3, def *luxury motor vehicle*, paragraph (a)**

A luxury motor vehicle is—

- (a) a motor vehicle mentioned in schedule 4 that—
  - (i) has a wheelbase of at least 2800mm; and
  - (ii) is not more than the vehicle's maximum age limit mentioned in schedule 4; or
- (b) a motor vehicle that is at least 40 years old, registered and safe.

#### **105A Special purpose limousines—Act, sch 3, def *special purpose limousine***

- (1) The following motor vehicles are motor vehicles that may be used under a special purpose limousine service licence—

[s 105A]

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- (a) a passenger car or forward-control passenger vehicle that—
  - (i) is at least 30 years old from the date of compliance; and
  - (ii) has not been modified other than for an approved modification purpose; and
  - (iii) is not a street rod vehicle;
- (b) a stretched version of a passenger vehicle mentioned in schedule 4A that—
  - (i) is at least the minimum age stated for the vehicle in schedule 4A; and
  - (ii) has not been modified other than for an approved modification purpose.

*Note for paragraph (a)(ii) and (b)(ii)—*

See the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* for requirements about modifying a vehicle, including a passenger car or a stretched version of a passenger vehicle that is to become a special purpose limousine.

- (2) In this section—

***approved modification purpose***, in relation to a passenger car or passenger vehicle, means to modify the car or vehicle—

- (a) to make it a stretched version of a passenger car or passenger vehicle; or
- (b) for the safety or comfort of passengers in the car or vehicle, including, for example, to allow for wheelchair access; or
- (c) to enhance the appearance of the car or vehicle.

*Example of modification to enhance the appearance of a passenger car or passenger vehicle—*

attaching a flared guard

***street rod vehicle*** see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, schedule 4.



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**105B Prescribed details for booking for limousine service—Act, sch 3, def *prescribed details***

For the Act, schedule 3, definition *prescribed details*, the following details about a booking for a limousine service are prescribed—

- (a) the name and contact details of the hirer of the limousine service;
- (b) the date and time when the passengers are to be picked up;
- (c) the locations where the passengers are to be picked up and dropped off;
- (d) the agreed fare for the limousine service, if the fare is to be paid to the driver.

**106 Advertising limousine service**

A person must not advertise a limousine service unless the service is operated by the operator of a limousine service licence.

Maximum penalty—20 penalty units.

**107 Issue of limousine service licences**

- (1) The chief executive must decide the price for the issue of a limousine service licence for a limousine service area.
- (2) The price must be reasonable in the circumstances taking into account—
  - (a) if there has been 1 or more sales or transfers of limousine service licences within the limousine service area during the period of 6 months before the issue of the licence—the price of the sales or transfers in the 6-month period; or
  - (b) otherwise—the most recent sale or transfer of a limousine service licence within the limousine service area before that 6-month period.

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## 108 Limousine hiring

(1) A person must not ply or stand a limousine for hire at a place unless the place is—

- (a) the limousine owner's premises; or
- (b) a limousine standing area or limousine rank.

Maximum penalty—30 penalty units.

(2) The driver of a limousine must not hire the vehicle unless—

- (a) an earlier booking was made for the vehicle and the amount to be charged for the hiring is agreed with the prospective hirer before the vehicle is hired; or
- (b) the vehicle is hired at a limousine rank.

Maximum penalty—20 penalty units.

(3) The driver of a limousine at a limousine rank must not—

- (a) provide, or offer to provide, a service to a destination or area unless the destination or area is displayed on a notice approved by the chief executive (the *approved notice*); or
- (b) charge a fare for a service to a destination or area displayed on the approved notice that is different to the fare for the destination or area displayed on the notice.

Maximum penalty—20 penalty units.

(4) If an approved notice is not displayed at a limousine rank, the driver of a limousine at the rank must—

- (a) carry a copy of the approved notice in relation to the limousine rank; and
- (b) show the copy of the approved notice to a prospective hirer on request; and
- (c) ensure that—
  - (i) a prospective hirer is informed that set fares apply; or

- (ii) a sign stating that set fares apply is placed in a position in the limousine where it is likely to be seen by a prospective hirer.

Maximum penalty—20 penalty units.

- (5) The driver of a limousine at a limousine rank—
- (a) must make the vehicle available for immediate hire; and
  - (b) must not refuse a hiring to a destination or area displayed on the approved notice.

Maximum penalty—20 penalty units.

- (6) The driver of a limousine must not demand a fare that is more than the agreed amount or set fare.

Maximum penalty—20 penalty units.

- (7) If the driver of a limousine believes the driver will not be able to obtain the fare at the destination, before starting the hiring, the driver may require the hirer to pay the agreed amount or set fare for the hiring as a deposit.

- (8) In this section—

*limousine rank* means a place approved by the chief executive as a place where limousines may stand for hire to set destinations or areas for set fares.

*limousine standing area* means a place approved by the chief executive as a place where limousines may stand while waiting to attend for a booking made earlier.

## Division 4                      Substitute limousines

### 109      Purpose of div 4

The purpose of this division is to allow the holder of a limousine service licence to use a vehicle that is not a licensed limousine in substitution of a licensed limousine.

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## **110 Definitions for div 4**

In this division—

*licensed limousine* means a vehicle stated in a limousine service licence.

*limousine operator* means either of the following—

- (a) the person who is the holder of a limousine service licence;
- (b) the lessor of a limousine service licence.

*substitute limousine* means a vehicle used by the holder of a limousine service licence in substitution of a licensed limousine.

*substitute limousine authority* see section 111(1).

## **111 Application for grant of substitute limousine authority**

- (1) A limousine operator may apply to the chief executive for authority (a *substitute limousine authority*) to allow a vehicle, other than a licensed limousine, to be used by the limousine operator to provide a limousine service.
- (2) If circumstances happened outside of the department's normal business hours and the limousine operator used a substitute limousine, the application may be made in relation to a period, as stated in the application (but not more than 3 days), before the limousine operator made the application.

## **112 Deciding application**

- (1) The chief executive must consider a limousine operator's application for the grant of a substitute limousine authority and decide to—
  - (a) grant a substitute limousine authority, with or without conditions; or
  - (b) refuse to grant a substitute limousine authority.

- (2) If the chief executive refuses to grant a substitute limousine authority or imposes a condition on the grant of the substitute limousine authority, the chief executive must give the limousine operator a regulation notice about the decision.
- (3) If the application included a period as stated in section 111(2), the substitute limousine authority may be given in relation to a period that was not more than 3 days before the day the application was given to the chief executive.

### **113 Circumstances when substitute limousine may be used**

A limousine operator may only use a substitute limousine if a licensed limousine used by the limousine operator to provide a limousine service can not be used because of—

- (a) a major mechanical failure; or
- (b) a major accident.

Maximum penalty—40 penalty units.

### **114 Consequence of noncompliance with a condition**

A limousine operator must comply with each condition of a substitute limousine authority granted to the limousine operator, unless the limousine operator has a reasonable excuse.

Maximum penalty—40 penalty units.

### **115 Cancellation of substitute limousine authority**

- (1) The chief executive may cancel a substitute limousine authority if satisfied the limousine operator contravened or is contravening a condition of the authority.
- (2) Before cancelling the substitute limousine authority, the chief executive must give the limousine operator a written notice—
  - (a) stating the chief executive is considering cancelling the substitute limousine authority; and
  - (b) stating the grounds for the cancellation; and

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- (c) outlining the facts and circumstances forming the basis for the grounds; and
  - (d) inviting the limousine operator to show, within a stated time of at least 28 days, why the authority should not be cancelled.
- (3) If, after considering all written representations made within the stated time, the chief executive is satisfied the limousine operator contravened or is contravening a condition of the substitute limousine authority, the chief executive may, by giving a regulation notice to the operator, cancel the authority.
- (4) As soon as practicable after the regulation notice is given to the limousine operator (but within 14 days), the operator must return the substitute limousine authority to the chief executive, unless the operator has a reasonable excuse.

Maximum penalty—10 penalty units.

- (5) Even if the limousine operator does not return the substitute limousine authority, the action stated in the regulation notice has effect from the date stated in the notice.

## **116 Requirements for the use of a substitute limousine**

- (1) A limousine operator must not use, or allow the use of, a substitute limousine unless the vehicle—
- (a) is stated in the substitute limousine authority as a vehicle that may be used as a substitute limousine or circumstances mentioned in section 113 happen outside of the department's normal business hours and the limousine operator uses the vehicle only until it is normal business hours; and
  - (b) complies with each condition of the limousine service licence under which the substitute limousine is to be operated; and

*Example of a condition for paragraph (b)—*

a condition that the limousine be operated only in the limousine service area to which the limousine service licence applies

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- (c) is—
- (i) if the vehicle is used under a special purpose limousine service licence—a special purpose limousine; or
  - (ii) if the vehicle is used under a limousine service licence other than a special purpose limousine service licence—a luxury motor vehicle.

Maximum penalty—40 penalty units.

- (2) However a limousine operator, when using a substitute limousine, is exempt from complying with a condition of a limousine service licence under section 87(2)(d)(ii) of the Act requiring the limousine operator to display a registration plate on the vehicle distinguishing it as—
- (a) if the vehicle is to be used under a special purpose limousine service licence—a special purpose limousine for which a special purpose limousine service licence is in force; or
  - (b) otherwise—a limousine.

### **117 Records to be kept when vehicle used as a substitute limousine**

- (1) A limousine operator must keep a written record of the following information when the limousine operator uses a substitute limousine instead of a licensed limousine—
- (a) the registration number of the substitute limousine;
  - (b) the registration number of the licensed limousine;
  - (c) the date and time of the use of the substitute limousine;
  - (d) the reason why the licensed limousine could not be used;
  - (e) the location of the licensed limousine during the period the substitute limousine is used.

Maximum penalty—20 penalty units.

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- (2) A limousine operator must keep, or arrange for the keeping of, the following information in a substitute limousine when the limousine operator uses the substitute limousine instead of a licensed limousine—
- (a) a copy of the information mentioned in subsection (1);
  - (b) a copy of the limousine service licence, and any conditions imposed on the limousine service licence, for the licensed limousine.

Maximum penalty—40 penalty units.

## **Part 8                      Obligations of operators**

### **118      Equipment for vehicles**

An operator of a public passenger vehicle mentioned in schedule 5 must ensure the vehicle complies with the schedule.

Maximum penalty—20 penalty units.

### **119      Advertising on public passenger vehicles**

An operator of a public passenger vehicle must ensure the vehicle is not driven on a road if an advertisement or other marking displayed on the vehicle—

- (a) is or may be a danger to a person; or
- (b) conceals or obliterates a sign, writing or number required under an Act to be placed on the vehicle or makes the sign, writing or number difficult to read.

Maximum penalty—20 penalty units.



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## **120 Accreditation evidence and accreditation certificates**

- (1) An operator of a public passenger service for which operator accreditation is required must display or keep, in the way set out in schedule 6, evidence of the operator's accreditation number on or in each vehicle used to provide the service, including, for example, a vehicle borrowed, leased or hired from someone else, unless the operator has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) A person driving a vehicle in which evidence of an operator's accreditation number is kept under subsection (1) must, if asked by an authorised person, make the evidence available for inspection by the authorised person unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) An operator of a public passenger service for which operator accreditation is required must remove, from a vehicle being used to provide the service, any accreditation evidence displayed on the vehicle and any accreditation certificate kept in the vehicle if—

- (a) the operator's accreditation is cancelled; or
- (b) the operator's accreditation expires and the vehicle is no longer to be used to provide a public passenger service for which operator accreditation is required; or
- (c) the vehicle is to be sold or otherwise disposed of.

Maximum penalty—20 penalty units.

- (4) Unless the person has a reasonable excuse, a person must not operate a public passenger vehicle displaying accreditation evidence, or in which an accreditation certificate is kept, if the person—

- (a) does not hold operator accreditation; or
- (b) holds provisional operator accreditation only and the accreditation evidence, or accreditation certificate,

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relates to operator accreditation other than provisional operator accreditation.

Maximum penalty—20 penalty units.

- (5) For subsections (1) and (4), it is a reasonable excuse for an accredited person if—
- (a) the vehicle operated by the accredited person is leased from, or usually operated by, another person who holds operator accreditation; and
  - (b) the accredited person operates the vehicle because of an exceptional circumstance; and

*Example for paragraph (b)—*

A replacement bus is used because of a vehicle breakdown.

- (c) the accredited person does not operate the vehicle for a period of more than 5 days, whether or not consecutively, within in any period of 3 months.
- (6) In this section—

***accreditation certificate*** means a certificate evidencing an operator's operator accreditation.

***accreditation evidence*** means—

- (a) an operator's accreditation number; or
- (b) a vehicle identification sign displaying the words 'accredited operator' issued by the department.

***accredited person*** means a person who holds operator accreditation, including provisional operator accreditation.

## 121 Presenting vehicles for inspection

- (1) The chief executive may, by written notice, require the operator of a public passenger vehicle to take the vehicle to a specified place and at a specified time, for inspection and testing.
- (2) The operator must comply with the requirement.

Maximum penalty for subsection (2)—20 penalty units.

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**122 Providing safe vehicles**

An operator of a public passenger vehicle must ensure the vehicle is in a safe condition when it is being used to provide a public passenger service.

Maximum penalty—20 penalty units.

**123 Requirement for authority to enter**

An operator of a public passenger service must not allow the service to be provided to any of the following places unless the operator has the authority of the person who owns, controls or operates the place—

- (a) a place on private property;
- (b) an airport;
- (c) a protected area under the *Nature Conservation Act 1992*;
- (d) a State forest;
- (e) a place controlled, administered or owned by Aborigines or Torres Strait Islanders.

Maximum penalty—20 penalty units.

**124 Record to be kept of each use of vehicle to provide public passenger service**

An operator of a public passenger service for which operator accreditation is required must keep a written record stating the following particulars for each use of a public passenger vehicle used to provide the service—

- (a) the vehicle used;
- (b) the registration number of the vehicle;
- (c) the date and time of the use of the vehicle;
- (d) the name of each driver who used the vehicle;

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- (e) the driver's driver authorisation number other than for a driver who has restricted driver authorisation.

Maximum penalty—20 penalty units.

## **125 Records prescribed operators must keep about drivers**

A prescribed operator who grants a restricted driver authorisation to a person must keep a written record of the following particulars—

- (a) the name of the person granted restricted driver authorisation;
- (b) the date of the grant of the restricted driver authorisation;
- (c) the date of expiry of the restricted driver authorisation;
- (d) any amendment of the restricted driver authorisation and date of the amendment;
- (e) any automatic cancellation of the restricted driver authorisation under section 27(4)(c), reasons for the automatic cancellation and details about a notice given under section 27(5);
- (f) the number of the driver licence held by the person that, under the *Transport Operations (Passenger Transport) Standard 2010*, the person must hold and the State or foreign country where that driver licence was issued.

Maximum penalty—20 penalty units.

## **126 Prescribed operator must notify chief executive if restricted driver authorisation granted, amended or cancelled**

- (1) A prescribed operator must, within 3 working days after granting, amending or cancelling a restricted driver authorisation, give the chief executive notice about the grant, amendment or cancellation.

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Maximum penalty—10 penalty units.

- (2) The notice must be in the approved form.

### **126A Air conditioning in buses—obligations of operator**

- (1) If the operator of a bus fitted with an air conditioner uses the bus to provide a general route service or school service, the operator must—
- (a) ensure the air conditioner is fully operational and in good repair; and
  - (b) if the maximum daily air temperature forecast by the Bureau of Meteorology for the area where the general route service or school service operates is at least 28°C—instruct the driver to turn the air conditioner on.

Maximum penalty—20 penalty units.

- (2) The operator does not commit an offence against subsection (1)(a) in relation to the use of a bus fitted with an air conditioner that is not fully operational because it requires maintenance or repair if, after first becoming aware that the air conditioner is not fully operational—
- (a) the operator has taken reasonable steps to have the air conditioner maintained or repaired as quickly as possible; and
  - (b) the operator has a written record of—
    - (i) the date the air conditioner stopped being fully operational or in good repair; and
    - (ii) the steps taken to have the air conditioner maintained or repaired as quickly as possible; and
  - (c) the operator displays a sign in a conspicuous position near the entry to the bus that informs the passengers that the air conditioner is not fully operational because it requires maintenance or repair.

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**126B Particular public passenger service not to be provided using particular vehicle**

An operator of a public passenger service for which operator accreditation is required must not provide the service using a nominated vehicle fitted with a prescribed interlock.

Maximum penalty—40 penalty units.

## **Part 9 Rights and obligations of passengers and drivers**

**127 Application of pt 9**

This part does not apply to a public passenger vehicle that is rolling stock under the *Transport Infrastructure Act 1994*.

**128 Smoking, and consumption of food or beverages, on public passenger vehicle**

- (1) A person must not smoke in a public passenger vehicle.

Maximum penalty—20 penalty units.

- (2) A person must not consume food or beverages in a public passenger vehicle without the permission of the operator or driver of the vehicle.

Maximum penalty—20 penalty units.

**129 Carrying animals**

- (1) A person must not take an animal, that is not an assistance animal, on a public passenger vehicle without the permission of the operator or driver of the vehicle.

Maximum penalty—20 penalty units.

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- (2) The driver of a public passenger vehicle must allow a person who has a disability to take an assistance animal on the vehicle.

Maximum penalty—20 penalty units.

- (3) In this section—

*assistance animal* means an animal that—

- (a) accompanies a person who has a disability; and
- (b) is specifically trained to give help to the person in relation to the disability.

### **130 Identification of drivers**

- (1) A person must not drive a public passenger vehicle for which driver authorisation is required, unless the person carries the document evidencing the person's driver authorisation.

Maximum penalty—20 penalty units.

- (2) If the chief executive has imposed a condition on the person's driver authorisation, the person must also carry the document evidencing the imposed condition.

Maximum penalty—20 penalty units.

### **131 Dress of drivers**

The driver of a public passenger vehicle must, while driving the vehicle, be neatly dressed.

Maximum penalty—10 penalty units.

### **132 Help to passengers**

If a passenger of, or intending passenger for, a public passenger vehicle asks for help to board or leave the vehicle, or asks for help with luggage, the driver of the vehicle must give the help to the extent that it is reasonable for the driver to do so.

Maximum penalty—10 penalty units.

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### **133 Drivers of motorbikes**

The driver of a motorbike, motor tricycle or motorbike with a sidecar, used to provide a public passenger service, must not allow a person to ride as a passenger unless the driver is satisfied that the safety of the driver, the passenger and other passengers is not unreasonably put at risk by allowing the person to ride as a passenger.

Maximum penalty—20 penalty units.

#### **133A Air conditioning in buses—obligations of driver**

- (1) This section applies in relation to the use of a bus to provide a general route service or school service if the bus is fitted with an air conditioner.
- (2) However, this section applies only while the bus is being used to provide a general route service or school service.
- (3) If the driver of the bus is instructed by the operator of the bus to turn the air conditioner on, the driver must comply with the request unless the driver has a reasonable excuse.

Maximum penalty—20 penalty units.

*Example of a reasonable excuse—*

The air conditioner requires maintenance or repair.

#### **133B Particular vehicle not to be driven to provide public passenger service**

A person must not drive a nominated vehicle fitted with a prescribed interlock to provide a public passenger service for which driver authorisation is required.

Maximum penalty—40 penalty units.



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## **Part 10**                      **Review of decisions not provided for under Act, chapter 10**

### **134**    **Review of decisions**

Sections 102 and 103 of the Act apply to a decision described in schedule 7 as if the decision were described in schedule 2 of the Act.

## **Part 10A**                      **Authorised person for GCRT**

### **134A**    **Appointment**

For section 111(2)(d) of the Act, the following persons are prescribed to be an authorised person for the GCRT for relevant transport legislation—

- (a) an employee of a light rail manager for the GCRT;
- (b) an employee of a light rail operator for the GCRT.

### **134B**    **Powers**

(1) For section 114(2) of the Act, the powers of an authorised person for the GCRT given under relevant transport legislation are limited to the powers given under the following provisions of the Act—

- (a) section 127;
- (b) section 143ADA;
- (c) section 143ADB;
- (d) section 143AG;
- (e) section 143AH;
- (f) section 143AHA(1);

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- (g) section 143AHB(1) and (3).
- (2) However, the powers given under section 127 of the Act are limited to being exercised for serving an infringement notice against—
  - (a) the following provisions of the Act—
    - (i) section 143AC;
    - (ii) section 143ADA;
    - (iii) section 143ADB;
    - (iv) section 143AE;
    - (v) section 143AF;
    - (vi) section 143AK; or
  - (b) the following provisions of this regulation—
    - (i) section 128;
    - (ii) section 129(1).
- (3) Also, the power given under section 143AHA(1) of the Act is limited to being exercised for giving a direction under the section for an offence against the following relevant provisions mentioned in the section—
  - (a) section 143AC of the Act;
  - (b) section 143AE of the Act;
  - (c) section 143AF of the Act;
  - (d) section 377 of the *Transport Infrastructure Act 1994*.
- (4) In addition, the powers are limited to being exercised only for the GCRT.

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## Part 11                      General

### 135      **Disqualifying offences—Act, sch 3, def *disqualifying offence*, para (e)**

An offence against this regulation, or the repealed *Transport Operations (Passenger Transport) Regulation 1994*, for which the maximum penalty is or was at least 20 penalty units is a disqualifying offence.

### 135A    **Forward-control passenger vehicle—Act, sch 3, def *forward-control passenger vehicle***

A forward-control passenger vehicle includes a Chrysler Voyager, Honda Odyssey, Kia Carnival, Mazda MPV, Mitsubishi Nimbus, Mitsubishi Starwagon and Toyota Tarago.

### 136      **Services excluded from passenger services—Act, sch 3, def *public passenger service***

- (1) The following services involving the carriage of persons are excluded from the Act—
  - (a) a service provided by the Australian Defence Force, the Queensland Fire and Rescue Service or the Queensland Police Service;
  - (b) a service provided by an ambulance service;
  - (c) a service provided with a human- or animal-powered vehicle;
  - (d) a service provided for amusement other than on a road;
  - (e) a car pooling arrangement;
  - (f) a service provided as part of a funeral;
  - (g) a service provided as part of a street parade authorised under a law.
- (2) A vehicle breakdown service, including a towing service, to the extent it provides the driver or passengers of a

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broken-down vehicle with transport, is also a service excluded from the Act.

*Example of a towing service—*

a service that tows a vehicle, or transports a vehicle on a truck or trailer, from the place where the vehicle broke down

*Examples of a broken-down vehicle—*

- an inoperable vehicle
- a vehicle damaged to the extent that it can not be driven or driven safely
- a vehicle that the driver stops driving as a precaution against mechanical failure or greater mechanical failure

(3) However, subsection (2) applies only if—

- (a) the broken-down vehicle is not at the vehicle's base of operations; and
- (b) either—
  - (i) there is no reasonable alternative transport; or
  - (ii) the driver of the vehicle providing the transport believes the health or safety of the driver of the broken-down vehicle, or any of its passengers, is placed in unreasonable danger because of the breakdown.

(4) In this section—

***ambulance service*** means—

- (a) the Queensland Ambulance Service established under the *Ambulance Service Act 1991*; or
- (b) the Ambulance Service of NSW established under the *Health Services Act 1997* (NSW); or
- (c) the SA Ambulance Service Inc established under the *Health Care Act 2008* (SA); or
- (d) an approved ambulance service within the meaning of the *Mental Health and Related Services Act* (NT).

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**137 Public passenger vehicles—Act, sch 3, def *public passenger vehicle***

- (1) A vehicle of a type mentioned in schedule 8, column 2 is a public passenger vehicle if it is used to provide the service set out opposite the type of vehicle in column 1.
- (2) A person must not operate a public passenger service mentioned in schedule 8, column 1 unless the person uses a vehicle of a type set out opposite the service in column 2.

Maximum penalty—20 penalty units.

- (3) However, subsection (2) does not apply to a limousine service.

*Note—*

The conditions of limousine service licences provide for the vehicles that may be used for limousine services. See section 87(2)(b) of the Act.

**137A Requirements for road-based public passenger vehicle**

- (1) A person must not operate a public passenger service using a road-based public passenger vehicle that does not have a right-hand drive.

Maximum penalty—20 penalty units.

- (2) For subsection (1), a road-based public passenger vehicle has a right-hand drive if the centre of the steering control of the vehicle is either—
  - (a) to the right of the centre of the vehicle when viewed by a person in the vehicle who is facing to the front of the vehicle; or
  - (b) in line with the centre of the vehicle.

- (3) In this section—

*road-based public passenger vehicle* means a public passenger vehicle used to transport members of the public by road.

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### **138 Transport arrangements for students**

- (1) If a student's parent has been convicted of an offence against section 149(3) of the Act, in relation to transport arrangements made under section 144 of the Act, the chief executive may exclude the student from free travel under the arrangements.
- (2) Before taking the action mentioned in subsection (1) (the *proposed action*), the chief executive must give the parent a written notice—
  - (a) stating the proposed action; and
  - (b) stating the grounds for the proposed action; and
  - (c) outlining the facts and circumstances forming the basis for the grounds; and
  - (d) inviting the parent to show, within a stated time of at least 28 days, why the proposed action should not be taken.
- (3) Subsection (4) applies if, after considering all written representations made within the stated time, the chief executive is satisfied that the student's parent has been convicted of an offence against section 149(3) of the Act, in relation to transport arrangements made under section 144 of the Act.
- (4) The chief executive may, by giving a regulation notice to the parent, exclude the student from free travel under the arrangements.

### **139 Code of conduct for school students**

The chief executive may, by gazette notice, approve a code of conduct applying in relation to school students travelling on public passenger vehicles.

### **140 Local conveyance committees**

- (1) The chief executive may refuse to award a school service contract unless—

- 
- (a) parents of eligible school students who will use the service to be provided under the contract have established a local conveyance committee; and
  - (b) the chief executive is satisfied the committee is operating in accordance with local conveyance committee guidelines approved by the chief executive.
- (2) In awarding a school service contract, the chief executive must ensure the views of any relevant local conveyance committee are taken into account.
- (3) A local conveyance committee has an ongoing role in—
- (a) monitoring the performance of the holders of school service contracts; and
  - (b) assisting the holders of school service contracts in the development of timetabling and route design; and
  - (c) assisting school principals and the holders of school service contracts in maintaining discipline of school students.
- (4) In this section—

*local conveyance committee* means a committee elected by, consisting of and representing, parents of eligible school students who use school services.

*school service contract* means a service contract to provide school services.

## **141 Soliciting or touting**

- (1) A person must not solicit or tout for passengers for a public passenger vehicle or for a hiring of a public passenger vehicle.  
Maximum penalty—20 penalty units.
- (2) For subsection (1), attempting to arrange a multiple hiring for a taxi at a taxi rank, under section 66(1), is not soliciting or touting for passengers or a hiring.

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## **142 Records to be maintained**

- (1) If, under the Act, a person is required to maintain records, the person must—
  - (a) maintain the records for at least 5 years; and
  - (b) produce the records if asked by the chief executive or an authorised person.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to a record required to be kept under section 87C of the Act.

## **143 Change of name and address**

- (1) This section applies to the holder of operator accreditation, driver authorisation, a service contract, a taxi service licence or a limousine service licence.
- (2) If the holder's name or address changes, the holder must notify the chief executive in writing of the new name or address within 10 business days after the change.

Maximum penalty—10 penalty units.

- (3) For a change of address of a holder of driver authorisation, the chief executive may give the holder a change of address label for the holder's authorising document.
- (4) If a change of address label is damaged, lost or stolen, the holder must promptly ask the chief executive for a replacement label.

Maximum penalty—20 penalty units.

- (5) On receipt of a change of address label or a replacement label, the holder must promptly attach the label to the back of the authorising document in the space provided for a change of details label.

Maximum penalty—20 penalty units.



#### 144 Operation of Brisbane Airport Rail Link

- (1) Employees of a rail GOC or a subsidiary of a rail GOC are prescribed under section 111(2)(d) of the Act as persons the chief executive may appoint to be authorised persons for BARL.
- (2) To remove doubt, it is declared that the railway operator for BARL may charge a reasonable fare for a person's use of any public passenger service the operator provides on BARL.
- (3) In this section—

**BARL** means the railway known as the Brisbane Airport Rail Link, linking Brisbane Airport with the railway network operated by a rail GOC or a subsidiary of a rail GOC.

**rail GOC** see the *Transport Infrastructure Act 1994*, schedule 6.

#### 145 Fees and levy

- (1) The fees or levy payable under the Act are stated in schedule 9.
- (2) However, if the chief executive grants provisional operator accreditation to an applicant for operator accreditation, the fee payable by the applicant under schedule 9, item 5(a) must be adjusted in proportion to the number of months for which the provisional operator accreditation is granted.
- (3) For adjusting the fee for subsection (2), the fee payable under schedule 9, item 5(a) is taken to be for 1 year.
- (4) Also, if the term for which operator accreditation is renewed is not 1 year or a number of whole years, the fee for renewal of the operator accreditation must be adjusted in proportion to the number of months in the term.
- (5) The fee for an authority may be paid—
  - (a) in a lump sum before the authority is issued or renewed;  
or
  - (b) by arrangement with the chief executive—yearly or in some other way approved by the chief executive; or

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- (c) if the fee is an additional application fee for driver authorisation or operator accreditation—when the application is made.
- (6) The chief executive may—
  - (a) waive the payment of a fee for a person; or
  - (b) refund the whole, or a part, of a fee paid by a person.
- (7) If a person's cheque for payment of a fee for an authority is dishonoured, the authority is—
  - (a) for an application for an authority—void from the day the authority was issued; or
  - (b) for an application to renew an authority—suspended from the renewal date until a valid payment is made; or
  - (c) if the payment was made under an arrangement entered into under subsection (5)(b)—suspended from the date the payment was due under the arrangement until a valid payment is made.
- (8) If the State incurs expense because a person's cheque is dishonoured—
  - (a) the person must reimburse the State for the expense; and
  - (b) the amount of the expense may be recovered as a debt payable by the person to the State.
- (9) In this section—
  - cheque* includes a method of payment other than by cash.
  - dishonoured* includes not honoured on presentation.

#### **145A Refund of fee for application for driver authorisation other than for a taxi or limousine**

- (1) This section applies if—
  - (a) an application is made for driver authorisation other than for a taxi or limousine; and

- 
- (b) the chief executive does not ask the commissioner of the police service for a written report about the applicant's criminal history.
  - (2) The fee paid under schedule 9, item 11 for the application must be refunded to the applicant.

### **145B Refund of additional application fee**

- (1) This section applies if the number of persons in relation to whom an additional application fee has been paid under schedule 9, item 12 (the *proposed number*) is more than the number of persons about whom the chief executive asks the commissioner of the police service for a written report about the person's criminal history (the *actual number*).
- (2) The difference between the proposed number and the actual number multiplied by the amount of the fee payable under schedule 9, item 12(a) must be refunded to the applicant.

### **146 Approval of forms**

The chief executive may approve forms for use under this regulation.

### **146A Matters prescribed for operator accreditation standards or driver authorisation standards**

- (1) The following matters are prescribed under section 14(f) of the Act—
  - (a) the maximum allowable age of a type of public passenger vehicle used by an operator of a public passenger service to provide the service;
  - (b) extensions of a maximum allowable age mentioned in paragraph (a);
  - (c) timetables for, or reliability of, a public passenger service.
- (2) Reliability of a public passenger service is prescribed under section 26(d) of the Act.

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### **146B Information prescribed for taxi service bailment agreement**

- (1) For section 35L(1)(c) of the Act, all of the following information is prescribed for a taxi service bailment agreement between an accredited operator and an authorised driver (the *parties*) for the bailment of a taxi—
- (a) the date the parties signed the agreement;
  - (b) the name and address of each of the parties;
  - (c) the operator's accreditation number;
  - (d) the driver's driver authorisation number;
  - (e) the information stated in subsection (2) about any personal injury insurance, for the authorised driver, relating to the taxi service bailment agreement;
  - (f) the following about amounts payable under the taxi service bailment agreement—
    - (i) if the authorised driver must pay the accredited operator a percentage of the takings—the percentage;
    - (ii) if the taxi service bailment agreement provides for a set pay in arrangement between the parties—the set pay in amount for the taxi service bailment agreement;
    - (iii) who is responsible for the cost of fuel;
    - (iv) if the cost of fuel is to be shared between the parties—the amount or percentage of the cost each of the parties must pay;
    - (v) if the authorised driver must contribute to the cost of the premium for any insurance relating to the taxi service bailment agreement—the amount or percentage of the contribution;
    - (vi) if the authorised driver must contribute to the cost of any excess payable under any insurance relating to the taxi service bailment agreement—the amount or percentage of the contribution.

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- (2) For subsection (1)(e), the following information is stated—
- (a) whether the accredited operator has obtained the personal injury insurance;
  - (b) if the accredited operator has obtained the personal injury insurance—
    - (i) whether the accredited operator agrees to maintain the personal injury insurance for the duration of the taxi service bailment agreement; and
    - (ii) the expiry date of the personal injury insurance; and
    - (iii) either of the following for the personal injury insurance—
      - (A) the personal injury insurance information; or
      - (B) how the personal injury insurance information can be obtained from the accredited operator.

- (3) In this section—

***personal injury insurance***, for an authorised driver for a taxi service bailment agreement, means insurance, covering personal injury to the authorised driver, relating to the taxi service bailment agreement.

***personal injury insurance information***, for personal injury insurance, means information, given by the insurer, and included in the product disclosure statement and schedule of cover, for the personal injury insurance.

***set pay in amount*** see section 35N of the Act.

***set pay in arrangement*** see section 35N of the Act.

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## Part 12 Transitional provisions

### Division 1 Transitional provisions for Transport Operations (Passenger Transport) Regulation 2005

#### 147 Definitions for div 1

In this division—

***appeal court*** see the *Transport Planning and Coordination Act 1994*, section 29.

***commencement*** means commencement of this section.

***decision notice*** see the *Transport Planning and Coordination Act 1994*, section 34(3).

***original decision*** see the *Transport Planning and Coordination Act 1994*, section 29.

***relevant applicant***, in relation to a relevant application, means the person in relation to whom the relevant application is made.

***relevant application*** means an application under the repealed regulation that was received by the chief executive before the commencement.

***repealed regulation*** means the *Transport Operations (Passenger Transport) Regulation 1994*.

***reviewed decision*** see the *Transport Planning and Coordination Act 1994*, section 34(3).

#### 148 Reference in relevant notice to disqualifying offence is reference to driver disqualifying offence

- (1) This section applies to a notice (a ***relevant notice***) given by the chief executive—
  - (a) refusing to grant driver authorisation to a person; or

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- (b) refusing to renew a person's driver authorisation; or
  - (c) suspending a person's driver authorisation; or
  - (d) cancelling a person's driver authorisation.
- (2) However, this section applies only if—
- (a) the relevant notice was given on or after 20 May 2004 but before 19 November 2004; and
  - (b) the facts and circumstances forming the basis for the grounds for the relevant notice involved an offence that was described in the relevant notice as a disqualifying offence.
- (3) If the relevant notice stated that a person had been charged with a disqualifying offence, the reference in the notice to a disqualifying offence is taken to have been a reference to a driver disqualifying offence.
- (4) If—
- (a) the relevant notice stated that the person had been convicted of a disqualifying offence; and
  - (b) the offence is a category C driver disqualifying offence;
- the reference in the notice to a disqualifying offence is taken to have been a reference to a category C driver disqualifying offence.

## **149 Things done under repealed regulation**

- (1) This section applies if—
- (a) a provision of the repealed regulation expressly or impliedly authorised or required the doing of a thing; and
  - (b) the thing was done or, as a result of doing the thing, a document existed and was in force immediately before the repeal of the provision; and
  - (c) the thing may be done or the document may be made or issued under this regulation.

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*Examples of things authorised or required under the repealed regulation—*

- a grant or renewal of operator accreditation or driver authorisation
  - a grant of a provisional operator accreditation or restricted driver authorisation
  - a refusal of operator accreditation or driver authorisation
  - an amendment, suspension (including immediate suspension) or cancellation of operator accreditation or driver authorisation
  - fixing of a day, by the chief executive by gazette notice, as a day on and from which the administration of taxi services in a taxi service area must be performed under a service contract
  - an amendment of a taxi service licence or limousine service licence
  - a notice of a transfer or lease of a taxi service licence or limousine service licence
  - a suspension or cancellation of a taxi service licence or limousine service licence
  - an exemption from the requirement to be fitted with a taximeter
  - a notice under part 8A of the repealed regulation
- (2) The thing that was done and had effect, including a document, immediately before the repeal continues to have effect as if the thing had been done under this regulation.
- (3) Without limiting subsection (2), if the thing was—
- (a) subject to an imposed condition immediately before the commencement, the thing continues to be subject to the condition; and

*Example for paragraph (a)—*

If the chief executive had imposed a condition on a person's driver authorisation under section 6(2) of the repealed regulation, the imposed condition continues to be imposed on the driver authorisation as continued under subsection (2).

- (b) subject to a time limit or a period of time, the thing continues to have effect for the period of time remaining at the commencement.

*Example for paragraph (b)—*

If the chief executive had renewed a person's driver authorisation for 3 years under section 7(1) of the repealed



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regulation and only 1 year had run at the commencement so 2 years were remaining, the renewed driver authorisation has a term remaining of 2 years under subsection (2).

- (4) This section is subject to a contrary intention stated in another provision of this division.

**150 Circumstances, after commencement, in which repealed regulation applies to outstanding relevant application**

- (1) This section applies to a relevant application and the relevant applicant if a decision under the repealed regulation about the relevant application had not been made before the commencement.
- (2) The repealed regulation applies to the relevant application and the relevant applicant for the purpose of making a decision about the relevant application.
- (3) For subsection (2), if the chief executive had delegated his or her power under the repealed regulation to decide an application that is a relevant application and the delegation was in force immediately before the commencement, the delegation continues to have effect in relation to making a decision about the relevant application.
- (4) If the decision, by application of the repealed regulation, involves granting the relevant application, the relevant applicant is to be issued with the operator accreditation, driver authorisation, taxi service licence, limousine service licence or other appropriate form of approval under this regulation.
- (5) If the decision, by application of the repealed regulation, involves refusing the relevant application, the relevant applicant is to be given the decision, a statement of reasons for the decision and an information notice.
- (6) On the issuing of operator accreditation, driver authorisation, a taxi service licence, limousine service licence or other appropriate form of approval as mentioned in subsection (4), or an information notice as mentioned in subsection (5), this regulation, and not the repealed regulation, applies.

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- (7) Despite subsection (6), if an information notice is given to the relevant applicant under subsection (5) or before the commencement—
  - (a) the relevant applicant may apply for a review of the decision; and
  - (b) the repealed regulation applies to the application for review, the review and any appeal relating to the decision on review.

### **151 Circumstances where repealed regulation applies to application for review of original decision**

- (1) This section applies if, before the commencement, a person had applied under the *Transport Planning and Coordination Act 1994*, section 29 for a review of an original decision under the repealed regulation.
- (2) If the person had not been given a decision notice, the repealed regulation applies to the application for review, the review and any appeal relating to the reviewed decision.
- (3) If the person had been given a decision notice, the repealed regulation applies to the reviewed decision for the purposes of any appeal relating to the reviewed decision.
- (4) If an appeal court had started to hear an appeal against a reviewed decision, the appeal court must continue to hear the appeal and apply the repealed regulation to the appeal.

### **152 Approved taxi security camera systems in relevant areas**

- (1) This section applies if, immediately before the commencement, the holder of a taxi service licence for a taxi service area that is, on the commencement, a relevant taxi service area had a taxi that had not been fitted with a taxi security camera system provided by the department that, on the commencement, is an approved taxi security camera system.
- (2) After the commencement, the chief executive may, by written notice given to the holder, require the holder to take the taxi to

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a place stated in the notice, on a day stated in the notice, to be fitted with an approved taxi security camera system.

- (3) The day stated in the notice must not be less than 14 days after the day the notice is given to the holder.
- (4) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units.

- (5) None of the following persons commits an offence against part 6, division 4 for making the taxi available to another person, or driving the taxi, without an approved taxi security camera system being fitted and fully operational during the relevant period for the taxi—
  - (a) the holder of the taxi service licence for the taxi;
  - (b) the operator of the taxi service that uses the taxi to provide the service;
  - (c) the driver of the taxi.
- (6) In this section—

*approved taxi security camera system* see section 81.

*fully operational* see section 81.

*relevant period*, for a taxi, means the period—

- (a) starting on the commencement; and
- (b) ending on the day stated in a notice given under this section as the day on which the holder of the taxi service licence for the taxi must take the taxi to a stated place to be fitted with an approved taxi security camera system.

*relevant taxi service area* see section 81.

*taxi security camera system* see section 81.

### 153 Application of repealed s 33

- (1) If a person applied under section 33 of the repealed regulation before the commencement and the application had not been finally dealt with before the commencement, the application is

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to be dealt with under repealed section 33 as if it had not been repealed.

(2) A person to whom section 33 of the repealed regulation applied immediately before the commencement is taken to be an approved relevant person for the purposes of part 6, division 5.

(3) If—

(a) immediately before the commencement, the chief executive began an action in relation to the person that may result in section 33 of the repealed regulation not applying to the person or the exclusion of the person from the taxi subsidy scheme; and

(b) the action begun by the chief executive was not completed at the commencement; and

(c) the chief executive wishes to continue the action after the commencement;

the chief executive must continue the action under section 96 having regard to the actions previously taken and the requirements of section 96.

## **157 References to repealed regulation**

It is declared that in a document, a reference to the repealed regulation may, if the context permits, be taken to include a reference to this regulation.

## **158 Application of Acts Interpretation Act 1954**

This division does not limit the operation of the *Acts Interpretation Act 1954*, section 20, except to the extent that an intention contrary to that section is expressed.

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**Division 2**                      **Transitional provision for Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2007**

**158A Operators of taxi services—obligations about approved card readers**

Section 96AG does not apply to an operator of a taxi service until 1 May 2008.

**Division 3**                      **Transitional provision for Transport Operations (TransLink Transit Authority) Regulation 2008**

**158B Existing contracts for commercial scheduled services**

- (1) This section applies if—
  - (a) immediately before 1 July 2008 a service contract was in force for a public passenger service; and
  - (b) the public passenger service was a commercial scheduled service as defined under this regulation as in force before 1 July 2008.
- (2) On and from 1 July 2008, the service contract is taken to be a service contract for a general route service.
- (3) The chief executive may, by notice to the holder of the service contract, amend or renew the contract in a way that reflects the change under subsection (2).
- (4) If the service contract is renewed, the chief executive may issue the renewed service contract on terms that reflect the change.

[s 158C]

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**Division 4**                      **Transitional provisions for  
Transport Operations (Passenger  
Transport) and Another Regulation  
Amendment Regulation (No. 2) 2008**

**158C Definition for div 4**

In this division—

*commencement* means commencement of this section.

**158D Section 137A does not apply in relation to particular motor vehicles**

- (1) This section applies in relation to a motor vehicle stated in a limousine service licence, in force at the commencement, that does not have a right-hand drive in the way required under section 137A.
- (2) Section 137A does not apply to the operation of a public passenger service using the vehicle if—
  - (a) the public passenger service is a limousine service operated under a limousine service licence; and
  - (b) the limousine service is operated by a person who was the registered operator of the vehicle immediately before the commencement.
- (3) However, subsection (2) stops having effect when the person sells or otherwise transfers the vehicle to another person.

**158E Particular motor vehicles continue to be luxury motor vehicles**

- (1) This section applies if—
  - (a) a motor vehicle of a type that was mentioned in schedule 4, as in force from time to time before the commencement, is stated in a limousine service licence in force at the commencement; and

- 
- (b) the maximum age limit that applies to the vehicle under section 105(a) after the commencement is lower than the maximum age limit that applied to the vehicle under section 105(a) before the commencement.
  - (2) The vehicle continues to be a luxury motor vehicle until the vehicle reaches the maximum age limit that applied to the vehicle under section 105(a) before the commencement.

## **Division 5                      Transitional provision for Transport and Other Legislation Amendment Regulation (No. 2) 2008**

### **158F    Prescribed medical certificates**

- (1) A certificate given under a repealed provision is taken, for 6 months after the commencement of this section, to be a prescribed medical certificate.
- (2) In this section—  
*repealed provision* means the *Transport Operations (Passenger Transport) Standard 2000*, section 8(1) or 8B(1)(a) as in force immediately before the commencement of this section.

## **Division 6                      Transitional provisions for Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2009**

### **158G    Undecided applications for driver authorisation—taxis**

- (1) This section applies if—
  - (a) an application was made before the commencement of this section for driver authorisation for a relevant vehicle that is a taxi; and

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- (b) the application has not been decided.
- (2) The application must be decided as if the *Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2009* had not been made.

**158H Application of ss 20A–20C and 27A to particular applications made on or after commencement of this section**

- (1) Section 20A and not the passenger transport standard, section 6 applies in relation to an application for driver authorisation for the operation of a relevant vehicle that is a motorbike made on or after the commencement of this section.
- (2) Section 20B and not the passenger transport standard, section 7 applies in relation to an application for driver authorisation for the operation of a relevant vehicle, other than a motorbike, made on or after the commencement of this section.
- (3) Section 20C and not the passenger transport standard, section 9 applies in relation to an application for, or for renewal of, driver authorisation for the operation of a relevant vehicle that is a taxi, made on or after the commencement of this section.
- (4) Section 27A and not the passenger transport standard, section 8A applies in relation to an application for restricted driver authorisation made on or after the commencement of this section.

## **Part 13 Repeal**

**159 Repeal of Transport Operations (Passenger Transport) Regulation 1994**

The Transport Operations (Passenger Transport) Regulation 1994, SL No. 379 is repealed.



# Schedule 1      Market entry restrictions

## section 45

<b>Column 1</b>	<b>Column 2</b>
<b>Public passenger service</b>	<b>Area or route</b>
1    general route services, other than air services and ferry services	1    cities and towns having a population more than 7500
	2    routes for distances not more than 40km between cities or towns each having a population more than 7500
	3    routes for distances not more than 40km between a village and a city or town if the village has a population more than 500 and the city or town has a population more than 7500
	4    Airlie Beach, Cannonvale, Proserpine, Shute Harbour, Shute Haven and the routes between them
	5    routes between Proserpine and Proserpine Airport
2    school services	routes serving schools
3    taxi services	Queensland
4    air services	a route, other than an excluded route or a route to the extent that it includes an excluded route, serving any of the following places—
	<ul style="list-style-type: none"> <li>• Barcaldine</li> <li>• Bedourie</li> <li>• Birdsville</li> <li>• Blackall</li> <li>• Boulia</li> </ul>

Schedule 1

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**Column 1**

**Public passenger service**

**Column 2**

**Area or route**

- Burketown
- Charleville
- Cloncurry
- Cunnamulla
- Doomadgee
- Gununa
- Horn Island
- Hughenden
- Julia Creek
- Longreach
- Mt Isa
- Normanton
- Quilpie
- Richmond
- Roma
- St George
- Thargomindah
- Toowoomba
- Weipa
- Windorah
- Winton

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<b>Column 1</b>	<b>Column 2</b>
<b>Public passenger service</b>	<b>Area or route</b>
5 ferry services	1 routes between Coochiemudlo Island and Victoria Point
	2 routes between Karragarra Island, Lamb Island, Macleay Island, Russell Island and Weinam Creek
	3 routes between Magnetic Island and Townsville
	4 routes between Townsville and Palm Island

## **Schedule 2A      Taxi service areas for taxi industry security levy**

section 60A

Brisbane

Cairns

Gold Coast

Ipswich

Mackay

Rockhampton

Sunshine Coast

Toowoomba

Townsville Thuringowa

## **Schedule 2B Prescribed areas**

schedule 11, definition *prescribed area*

Bribie Island  
Brisbane  
Bundaberg  
Cairns  
Gladstone  
Gold Coast  
Gympie  
Hervey Bay  
Innisfail  
Ipswich  
Mackay  
Maryborough  
Mt Isa  
Redcliffe  
Rockhampton  
Sunshine Coast  
Toowoomba  
Townsville Thuringowa  
Warwick  
Yeppoon

## **Schedule 3      Relevant taxi service areas for approved taxi security camera systems**

section 81, definition *relevant taxi service area*

Bribie Island  
Brisbane  
Bundaberg  
Cairns  
Gladstone  
Gold Coast  
Gympie  
Hervey Bay  
Innisfail  
Ipswich  
Mackay  
Maryborough  
Mt Isa  
Redcliffe  
Rockhampton  
Sunshine Coast  
Toowoomba  
Townsville Thuringowa  
Warwick  
Yeppoon

## Schedule 4      Vehicles that are luxury motor vehicles

section 105

<b>Type of vehicle</b>	<b>Maximum age limit for vehicle</b>
<b>Category A</b>	
passenger car of either of the following makes—	unlimited
<ul style="list-style-type: none"> <li>• Bentley</li> <li>• Rolls Royce</li> </ul>	
<b>Category B</b>	
(a) passenger car with a recommended retail price (without optional extras) of the amount that is at least twice the luxury car tax threshold	12 years from the date of compliance
(b) passenger car—	
(i) stated in a limousine service licence; and	
(ii) with a recommended retail price (without optional extras) at the time it was stated in the licence (the <i>relevant time</i> ) of the amount that was at least twice the luxury car tax threshold at the relevant time	

<b>Type of vehicle</b>	<b>Maximum age limit for vehicle</b>
<b>Category C</b>	
(a) passenger car with a recommended retail price (without optional extras) of the amount that is at least the luxury car tax threshold, but less than the amount that is twice the luxury car tax threshold	6 years from the date of compliance
(b) passenger car—	
(i) stated in a limousine service licence; and	
(ii) with a recommended retail price (without optional extras) at the time it was stated in the licence (the <i>relevant time</i> ) of the amount that was at least the luxury car tax threshold at the relevant time, but less than the amount that was twice the luxury car tax threshold at the relevant time	
<b>Category D</b>	
a stretched version of a passenger car mentioned under the heading 'Category A'	unlimited
<b>Category E</b>	
a stretched version of a passenger car mentioned under the heading 'Category B'	18 years from the date of compliance



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<b>Type of vehicle</b>	<b>Maximum age limit for vehicle</b>
<b>Category F</b> a stretched version of a passenger car mentioned under the heading 'Category C'	12 years from the date of compliance
<b>Category G</b> a stretched version of a passenger vehicle of any of the following makes— <ul style="list-style-type: none"><li>• Ford G6E</li><li>• Ford Territory</li><li>• Hummer H2</li><li>• Hummer H3</li></ul>	12 years from the date of compliance

## **Schedule 4A      Vehicles that may be special purpose limousines**

section 105A

### **Type of vehicle**

### **Minimum age limit for vehicle**

#### **Category A**

- (a) passenger car with a recommended retail price (without optional extras) of the amount that is at least twice the luxury car tax threshold
- (b) passenger car—
  - (i) stated in a limousine service licence or a special purpose limousine service licence; and
  - (ii) with a recommended retail price (without optional extras) at the time it was stated in the licence (the *relevant time*) of the amount that was at least twice the luxury car tax threshold at the relevant time

18 years from the date of compliance

**Category B**

- (a) passenger car with a recommended retail price (without optional extras) of the amount that is at least the luxury car tax threshold, but less than the amount that is twice the luxury car tax threshold
- (b) passenger car—
- (i) stated in a limousine service licence or a special purpose limousine service licence; and
  - (ii) with a recommended retail price (without optional extras) at the time it was stated in the licence (the *relevant time*) of the amount that was at least the luxury car tax threshold at the relevant time, but less than the amount that was twice the luxury car tax threshold at the relevant time
- 12 years from the date of compliance

**Category C**

- passenger vehicle of any of the following makes—
- Ford G6E
  - Ford Territory
  - Hummer H2
  - Hummer H3
- 12 years from the date of compliance

## **Schedule 5      Equipment for vehicles**

section 118

### **1      Off-road passenger vehicles operating tourist services**

- (1) Off-road passenger vehicles operating tourist services must be fitted with—
  - (a) a fire extinguisher that complies with the Australian Standards for fire extinguishers; and
  - (b) a device to prevent a damaged tail shaft from striking the ground.
- (2) If a tourist service is of more than 1 day's duration, the following equipment must also be fitted to the vehicle and in working order—
  - (a) winch;
  - (b) first aid kit;
  - (c) Royal Flying Doctor radio or a telephone that operates in conjunction with a satellite.

### **2      Taxis**

- (1) Taxis must—
  - (a) be constructed, or have a safety partition or some other equipment fitted, to prevent luggage or other goods being carried in the luggage compartment of the vehicle from entering the passenger compartment; and
  - (b) if luggage is carried in the passenger compartment—be constructed, or have equipment fitted, to secure the luggage; and
  - (c) be constructed so passengers have control over the opening and shutting of the vehicle's doors independently of the driver.

- (2) Taxis must be fitted with the following—
  - (a) a green distress light;
  - (b) a hail light;
  - (c) a child restraint anchorage bolt.
- (3) However, subsection (2) does not apply to—
  - (a) an exempted taxi; or
  - (b) a luxury motor vehicle that is a taxi.

## **Schedule 6      Accreditation evidence**

section 120

### **1      Buses, forward-control vehicles or off-road tour vehicles**

For a vehicle that is a bus, forward-control vehicle or off-road tour vehicle, the operator's accreditation number must be displayed on the vehicle so that the accreditation number is—

- (a) preceded by the letter 'Q'; and
- (b) securely fixed to the bottom left side of the rear of the vehicle, using, for example, paint, preprinted magnetic strips or adhesive lettering; and
- (c) in block letters and figures that are at least 50mm high; and
- (d) clearly legible from a distance of 4.5m away from the vehicle.

### **2      Taxis and passenger cars other than NSW taxis providing cross-border taxi service and limousines**

For a vehicle that is a taxi or passenger car, other than a vehicle that is a NSW taxi being used to provide a cross-border taxi service or a vehicle for which a limousine service licence is in force, the operator's accreditation number must be displayed on the vehicle so that it is clearly visible from outside the vehicle and the accreditation number is—

- (a) preceded by the letter 'Q'; and
- (b) securely fixed to the bottom left side of the rear of the vehicle or the bottom left side of the vehicle's rear window, using, for example, paint, preprinted magnetic strips or adhesive lettering; and
- (c) in block letters and figures that are at least 30mm high; and
- (d) clearly legible from a distance of 5m away from the vehicle.

**2A NSW taxis providing cross-border taxi service**

For a vehicle that is a NSW taxi being used to provide a cross-border taxi service, a copy of the certificate evidencing the operator's operator accreditation must be kept in the vehicle while the vehicle is being used to provide the cross-border taxi service.

**3 Limousines**

For a vehicle for which a limousine service licence is in force, a copy of the certificate evidencing the operator's operator accreditation must be kept in the vehicle while the vehicle is being used to provide the limousine service.

**4 Motor cycles, motor tricycles and motor cycles with sidecars**

For a vehicle that is a motor cycle, motor tricycle or motor cycle with a sidecar, the operator's accreditation number must be displayed on the vehicle so that it is clearly visible and the accreditation number is—

- (a) preceded by the letter 'Q'; and
- (b) on a card, measuring 110mm by 70mm, in a waterproof case that is securely fixed to the vehicle; and
- (c) in block letters and figures that are at least 20mm high; and
- (d) clearly legible from a distance of 4.5m away from the vehicle.

## **Schedule 7      Reviewable decisions**

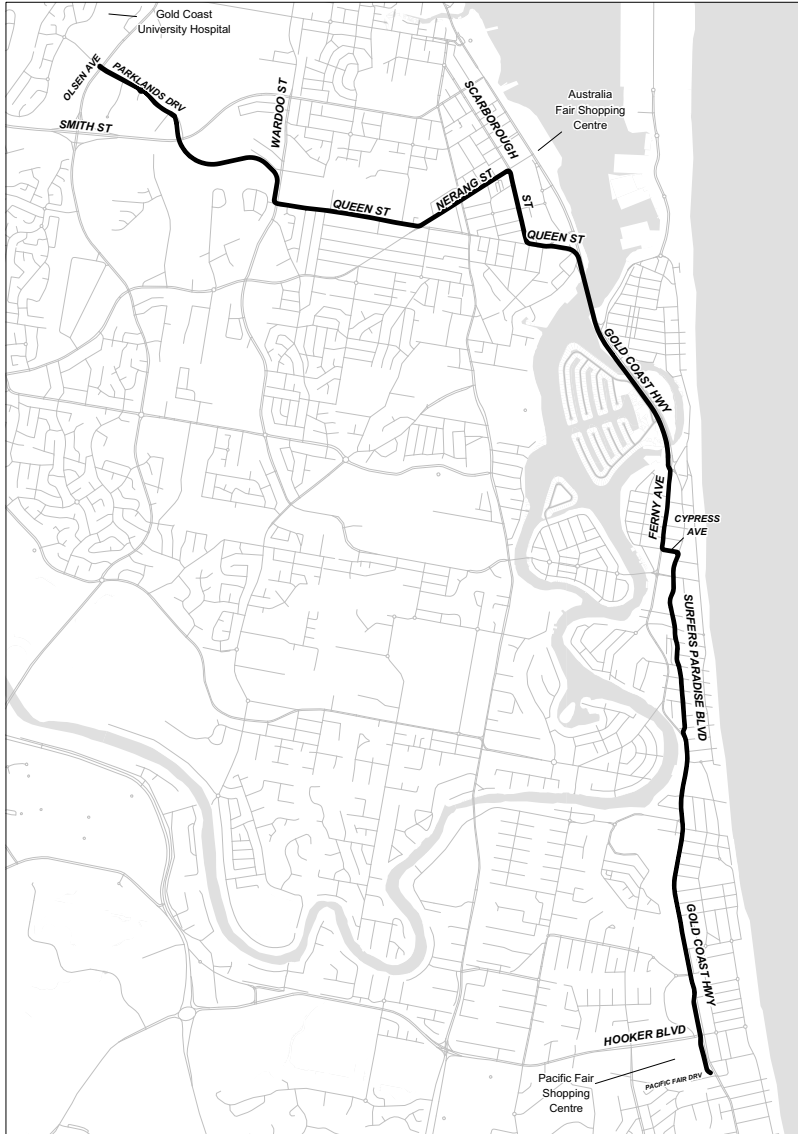
section 134

<b>Section</b>	<b>Description of decision</b>
34(2)	imposition of condition when granting driver authorisation or amendment of driver authorisation to include a condition
74(1)	grant of substitute taxi authority with conditions or refusal to grant substitute taxi authority
77(1)	cancellation of substitute taxi authority
87(1)(a)	refusal to approve a taxi security camera system
87(1)(b)	revocation of approval of taxi security camera system
95(4)	refusal of application for membership of a taxi subsidy scheme
96	cancellation of approval under a taxi subsidy scheme
112	refusal to grant substitute limousine authority
115(1)	cancellation of substitute limousine authority
138	exclusion from free travel



# Schedule 7A Gold Coast Rapid Transit

schedule 11, definition *GCRT*, paragraph (a)



## Schedule 8 Public passenger vehicles

section 137

Column 1	Column 2
Service category	Vehicle type
general route service or school service	forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus  passenger car for which a taxi service licence or limousine service licence is in force  passenger car while it is being used to provide a general route service or school service under— (a) a service contract; or (b) an arrangement under section 144 of the Act
long distance scheduled passenger service	forward-control passenger vehicle, off-road passenger vehicle, light bus or a heavy bus
charter bus service	light bus or heavy bus
community transport service	motor vehicle
courtesy transport service	motor vehicle
taxi service other than a cross-border taxi service	forward-control passenger vehicle, passenger car, off-road passenger vehicle or schedule 4 vehicle  light bus having up to 12 seating positions, including the driver's position

<b>Column 1</b>	<b>Column 2</b>
<b>Service category</b>	<b>Vehicle type</b>
cross-border taxi service	NSW taxi
tourist service	<p>off-road passenger vehicle, light bus, heavy bus, motor cycle, motor cycle and sidecar, motor tricycle or forward-control passenger vehicle</p> <p>passenger car or forward-control passenger vehicle for which a taxi service licence or limousine service licence is in force</p>
limousine service other than a limousine service provided under a special purpose limousine service licence	luxury motor vehicle
limousine service provided under a special purpose limousine service licence	special purpose limousine
accommodation transfer service	<p>forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus</p> <p>passenger car for which a taxi service licence or limousine service licence is in force</p>
tourist transfer service	<p>forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus</p> <p>passenger car for which a taxi service licence or limousine service licence is in force</p>

Schedule 8

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**Column 1**

**Service category**

unscheduled long distance  
passenger service

other public passenger service

**Column 2**

**Vehicle type**

forward-control passenger vehicle,  
off-road passenger vehicle, light bus  
or heavy bus

light bus or heavy bus

## Schedule 9 Fees and levy

section 145

	\$
<b>Fees</b>	
1 Service contract, or renewal of a service contract, for each year the contract is in force—	
(a) if, under the contract, the holder of the contract is remunerated from revenue generated by passenger fares—	
(i) 1 to 10 vehicles . . . . .	149.35
(ii) 11 to 20 vehicles . . . . .	373.60
(iii) 21 to 50 vehicles . . . . .	747.30
(iv) more than 50 vehicles . . . . .	1 494.55
(b) for the administration of taxi services—	
(i) 1 to 50 vehicles . . . . .	149.35
(ii) 51 to 100 vehicles . . . . .	373.60
(iii) 101 to 200 vehicles . . . . .	747.30
(iv) more than 200 vehicles . . . . .	1 494.55
2 Taxi service licence, or renewal of a taxi service licence, for an exempted taxi, for each year of the licence. . . . .	74.70
3 Taxi service licence, or renewal of a taxi service licence, other than for an exempted taxi, for each year of the licence	149.35
4 Limousine service licence or renewal of a limousine service licence—	
(a) if the licence is a special purpose limousine service licence . . . . .	2 161.90
(b) otherwise . . . . .	149.35
5 Application for operator accreditation to provide a service mentioned in item 6 (s 5)—the total of the following—	
(a) an amount equal to the fee payable under whichever of item 6(a), (b), (c), (d), (e), (f) or (g) mentions the service;	
(b) the additional application fee payable under item 12.	

Schedule 9

	\$
6	Renewal of operator accreditation after the first year's accreditation to provide the following, for each year of accreditation (s 5)—
(a)	1 or more general route services or school services . . . . . 149.00
(b)	a community transport service . . . . . 149.00
(c)	a courtesy transport service . . . . . 149.00
(d)	a limousine service . . . . . 149.00
(e)	a taxi service under which only an exempted taxi may be used to provide the service . . . . . 75.00
(f)	a taxi service, other than a taxi service mentioned in paragraph (e) . . . . . 149.00
(g)	a service for which no fee is provided under paragraphs (a) to (f), for each service—
(i)	accreditation under which 1 to 10 vehicles may be used to provide the service . . . . . 298.60
(ii)	accreditation under which more than 10 vehicles may be used to provide the service . . . . . 1 494.55
7	Application for driver authorisation for a taxi or limousine, other than in the form of a smartcard driver authorisation (s 20)—the total of the following—
(a)	the fee payable under this paragraph . . . . . 62.75
(b)	the additional application fee payable under item 12.
8	Application for driver authorisation for a taxi or limousine, in the form of a smartcard driver authorisation (s 20)—the total of the following—
(a)	the fee payable for the period of the authorisation—
(i)	for a smartcard driver authorisation for 1 year . . . . . 122.55
(ii)	for a smartcard driver authorisation for 2 years . . . . . 190.55
(iii)	for a smartcard driver authorisation for 3 years . . . . . 253.95
(iv)	for a smartcard driver authorisation for 4 years . . . . . 317.40
(v)	for a smartcard driver authorisation for 5 years . . . . . 380.85
(b)	the additional application fee payable under item 12.
9	Renewal of driver authorisation for a taxi or limousine other than in the form of a smartcard driver authorisation, for each year after the first year's authorisation (s 20) . . . . . 62.75

	\$
10 Renewal of driver authorisation for a taxi or limousine in the form of a smartcard driver authorisation (s 20)—	
(a) for renewal of a smartcard driver authorisation for 1 year . . . . .	122.55
(b) for renewal of a smartcard driver authorisation for 2 years . . . . .	190.55
(c) for renewal of a smartcard driver authorisation for 3 years . . . . .	253.95
(d) for renewal of a smartcard driver authorisation for 4 years . . . . .	317.40
(e) for renewal of a smartcard driver authorisation for 5 years . . . . .	380.85
11 Application for driver authorisation other than for a taxi or limousine (s 20) . . . . .	35.75
12 Additional application fee for item 5(b), 7(b) or 8(b) if the individual, partner or executive officer mentioned in paragraph (a), (b) or (c) is a person about whom the chief executive proposes to ask the commissioner of the police service for a written report about the person’s criminal history for the application (Act, s 148(2))—	
(a) if the applicant is an individual and paragraph (b) does not apply . . . . .	35.75
(b) if the applicant is a partner, for each partner of the partnership when the application is made . . . . .	35.75
(c) if the applicant is a corporation, for each executive officer of the corporation when the application is made . . . . .	35.75
<b>Levy</b>	
13 Annual taxi industry security levy (Act, s 80A) . . . . .	350.35

## Schedule 11 Dictionary

### section 2

***accommodation house*** means a place providing lodging or food and lodging to the public.

***accommodation transfer service*** means a public passenger service—

- (a) that—
  - (i) is provided for travellers arriving in or departing from an area; and
  - (ii) operates between an airport, ferry terminal, intercity bus terminal or railway terminal and an accommodation house in the area; and
- (b) that requires journeys on the service to be pre-booked and travel documentation for them to be issued before the travellers arrive in the area.

***approved card reader*** see section 94.

***approved form*** means a form approved under section 146.

***approved relevant person***, for part 6, division 5, see section 94.

***approved taxi security camera system***, for part 6, division 4, see section 81.

***approved taxi security camera system sign***, for part 6, division 4, see section 81.

***authorised provider***, for part 6, division 3, see section 72.

***authorised purpose***—

- (a) for part 6, division 4, see section 81; or
- (b) for part 6, division 5, see section 94.

***believes*** means reasonably believes.



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**car** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**code of conduct** means a code of conduct approved by the chief executive under section 139.

**considers** means reasonably considers.

**corresponding licence** to—

- (a) an open licence, for a requirement relating to restricted driver authorisation—means a document corresponding to the open licence that is issued under a law of another State or a foreign country that provides for the same matter as the provision under which the open licence is issued; or
- (b) an open licence, other than for a requirement relating to restricted driver authorisation—means a document corresponding to the open licence that is issued under a law of another State that provides for the same matter as the provision under which the open licence is issued; or
- (c) a provisional licence, for a requirement relating to restricted driver authorisation—means a document corresponding to the provisional licence that is issued under a law of another State or a foreign country that provides for the same matter as the provision under which the provisional licence is issued; or
- (d) a provisional licence, other than for a requirement relating to restricted driver authorisation—means a document corresponding to the provisional licence that is issued under a law of another State that provides for the same matter as the provision under which the provisional licence is issued.

**damaged**, in relation to an authorising document, other than in sections 37A and 37B—

- (a) means damaged as defined under the Act, section 34A(2); but
- (b) does not include the authorising document being destroyed as required under section 37B(5) or 43B.

***date of compliance***, for a vehicle, means the date of compliance shown on the identification plate placed on the vehicle under the *Motor Vehicle Standards Act 1989* (Cwlth).

***eligible school students*** means students whose travel to and from school or another educational establishment is the subject of an arrangement under section 144 of the Act.

***excluded route*** means any of the following routes—

- (a) Brisbane direct to, or from, Cloncurry;
- (b) Brisbane direct to, or from, Mt Isa;
- (c) Brisbane direct to, or from, Toowoomba;
- (d) Cairns direct to, or from, Mt Isa;
- (e) Townsville direct to, or from, Mt Isa.

***exempted taxi*** means a taxi that is not required to be fitted with a taximeter.

***fee*** includes charge and tax.

***foreign driver licence*** means a licence to drive a motor vehicle corresponding to an open or provisional licence and issued under the law of another country that provides for the same matter as the provision under which the open or provisional licence is issued.

***fully operational***, for part 6, division 4, see section 81.

***GCRT*** means—

- (a) the light rail, shown on the map depicted in schedule 7A, known as the Gold Coast Rapid Transit; and
- (b) any other public transport infrastructure operated by, or under the control of, a light rail manager, or a light rail operator, for the Gold Coast Rapid Transit.

***heavy bus*** means a bus with a gross vehicle mass of more than 5t.

***holder***, for part 6, division 4, see section 81.

***identification plate*** means an identification plate within the meaning of the *Motor Vehicle Standards Act 1989* (Cwlth).

***image recording***, for part 6, division 4, see section 81.

***interim taxi driver display card*** means a card that—

- (a) is headed ‘Authorised Queensland Taxi Driver’; and
- (b) states ‘interim card only’; and
- (c) states an interim card number; and
- (d) states an expiry date; and
- (e) indicates that the card is issued by the Queensland Government.

***interim transport authority*** means an interim transport authority issued under the *Transport Planning and Coordination Act 1994*.

***licensed limousine***, for part 7, division 4, see section 110.

***light bus*** means a bus with a gross vehicle mass of not more than 5t.

***limousine operator***, for part 7, division 4, see section 110.

***locally significant event service*** means a public passenger service—

- (a) operating in or near a local government area with a population of less than 2500 people according to the most recent estimated resident population for the area stated on the Australian Bureau of Statistics website; and

*Editor’s note—*

For an estimated resident population for a local government area, see the Australian Bureau of Statistics website at <[www.abs.gov.au](http://www.abs.gov.au)>.

- (b) provided, free of charge, for carrying passengers to or from an event that is—
  - (i) held no more than twice a year in or near the area; and
  - (ii) open to attendance by the general public, either free of charge or on payment of an entry fee; and

*Example for paragraph (b)*—

an annual show day

- (c) for which no more than 2 motor vehicles are available, at any time, to provide the service.

***long distance scheduled passenger service*** means a road-based general route service in which passengers are carried on an established route—

- (a) for an average distance of at least 40km; or
- (b) between non-adjoining service contract areas or routes.

***luxury car tax threshold***, in schedules 4 and 4A, has the meaning given by the *A New Tax System (Luxury Car Tax) Act 1999* (Cwlth).

***manual card reader***, for part 6, division 5, see section 94.

***membership card***, for part 6, division 5, see section 94.

***motorbike*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***motor cycle*** means a 2-wheeled motor vehicle with either—

- (a) an engine cylinder capacity of more than 50ml; or
- (b) a maximum speed of more than 50km/h.

***motor cycle and sidecar*** means a motor vehicle with 3 wheels asymmetrically in relation to the longitudinal median axis and with either—

- (a) an engine cylinder capacity of more than 50ml; or
- (b) a maximum speed of more than 50km/h.

***motor tricycle*** means a motor vehicle with 3 wheels symmetrically arranged in relation to the longitudinal median axis with—

- (a) a gross vehicle mass of not more than 1t; and
- (b) either—
  - (i) an engine cylinder capacity of more than 50ml; or
  - (ii) a maximum speed of more than 50km/h.

***nominated vehicle fitted with a prescribed interlock*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***open licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***other public passenger service*** means a road-based public passenger service other than any one of the following services—

- (a) an accommodation transfer service;
- (b) a charter bus service;
- (c) a community transport service;
- (d) a courtesy transport service;
- (e) a limousine service;
- (f) a long distance scheduled passenger service;
- (g) a scheduled passenger service;
- (h) a taxi service;
- (i) a tourist service;
- (j) a tourist transfer service;
- (k) an unscheduled long distance passenger service.

***parent***, of a student, means—

- (a) if the student is a child—a person who is the student's parent as defined under the *Education (General Provisions) Act 2006*, section 10; or
- (b) if the student is an adult—a person who was the student's parent as defined under the *Education (General Provisions) Act 2006*, section 10, immediately before the student stopped being a child.

***prescribed area*** means a taxi service area mentioned in schedule 2B.

***prescribed licence*** means—

- (a) an open licence, or a corresponding licence to an open licence; or

(b) a restricted licence.

***prescribed medical certificate***, for a person, means a certificate in the approved form from a doctor stating that the person meets the medical standards for licensing, commercial standards, stated in Assessing Fitness to Drive, part B published by Austroads Incorporated.

*Editor's note—*

At the commencement of this definition, Assessing Fitness to Drive is available at <[www.austroads.com.au](http://www.austroads.com.au)>.

***prescribed operator*** means an operator who holds operator accreditation to operate a community transport service or courtesy transport service.

***probationary licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***provisional driver authorisation*** see section 22(1).

***provisional licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***provisional operator accreditation*** see section 7(1).

***registration number*** see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.

***regulation notice*** means a written notice about a decision under this regulation that includes—

- (a) the decision and a statement of reasons for the decision; and
- (b) an information notice for the decision.

*Editor's note—*

*Information notice* is defined in the Act.

***relevant person***, for part 6, division 5, see section 94.

***relevant place***, for part 6, division 4, see section 81.

***relevant taxi service area***, for part 6, division 4, see section 81.

**relevant vehicle** means a vehicle providing a public passenger service for which driver authorisation is required.

**restricted licence** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**satisfied** means reasonably satisfied.

**schedule 4 vehicle** means a motor vehicle that is a luxury motor vehicle within the meaning of section 105(a).

**school students** means individuals under 18 years attending—

- (a) a State school within the meaning of the *Education (General Provisions) Act 2006*, schedule 4; or
- (b) a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.

**smartcard transport authority** see the *Transport Planning and Coordination Act 1994*, section 36G(1).

**substitute limousine**, for part 7, division 4, see section 110.

**substitute limousine authority**, for part 7, division 4, see section 111(1).

**substitute taxi** see section 72.

**substitute taxi authority**, for part 6, division 3, see section 72.

**taxi**, for part 6, division 4, see section 81.

**taxi driver display card**, for a driver, means a card that—

- (a) is headed ‘Authorised Queensland Taxi Driver’; and
- (b) states the driver’s driver authorisation number; and
- (c) states an expiry date; and
- (d) contains a digital photo of the driver; and
- (e) indicates that the card is issued by the Queensland Government.

**taxi security camera system**, for part 6, division 4, see section 81.

**taxi subsidy scheme**, for part 6, division 5, see section 94.

***taxi subsidy scheme information*** see section 94.

***tourist service*** means a pre-booked public passenger service operated in accordance with a publicly available itinerary to—

- (a) for all services—a common scenic or tourist attraction; or
- (b) if the service is not wholly within a service contract area or route—a major sporting or cultural event.

***tourist transfer service*** means a public passenger service—

- (a) that operates between—
  - (i) an accommodation house; and
  - (ii) a tourist attraction or tourist service; and
- (b) for which journeys are pre-booked before the time of travel.

***truck*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.



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## Endnotes

### 1 Index to endnotes

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2 Date to which amendments incorporated . . . . .	183
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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 30 November 2012. Future amendments of the Transport Operations (Passenger Transport) Regulation 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	16 December 2005	
1A	2006 SL No. 74	28 April 2006	
1B	2006 Act No. 21	17 May 2006	
1C	—	17 June 2006	prov exp 16 June 2006
1D	2006 SL No. 90	1 July 2006	
1E	2006 SL No. 173	7 July 2006	
1F	2006 SL No. 246	30 October 2006	
1G	2006 SL No. 289	1 December 2006	
1H	2007 SL No. 67	27 April 2007	
1I	2007 SL No. 83	1 July 2007	
2	2007 SL No. 200	17 August 2007	
2A	2007 SL No. 282	23 November 2007	
2B	2007 SL No. 307	4 February 2008	
2C	2008 SL No. 133	30 May 2008	

Reprint No.	Amendments included	Effective	Notes
2D	2008 SL No. 131 2008 SL No. 186 2008 SL No. 210	1 July 2008	
2E	2008 SL No. 282	1 September 2008	
3	2008 SL No. 351	24 October 2008	
3A	2008 SL No. 396	17 December 2008	prov exp 16 December 2008
3B	2008 SL No. 282	1 March 2009	
3C	2009 SL No. 64	1 July 2009	
3D	2009 SL No. 169	14 August 2009	
3E	2009 SL No. 231	23 October 2009	
3F	2009 Act No. 47	19 November 2009	
3G	2009 Act No. 24	1 December 2009	R3G withdrawn, see R4
4	—	1 December 2009	
4A rv	2010 SL No. 100 2010 Act No. 19	1 July 2010	
4B	2010 SL No. 100 2010 SL No. 189	24 July 2010	
4C	2010 SL No. 191 2010 SL No. 206	1 September 2010	
4D	2010 SL No. 373	27 June 2011	
4E	2011 SL No. 64	1 July 2011	
4F	2011 SL No. 143	1 September 2011	
5	2011 SL No. 187	23 September 2011	
5A	2011 SL No. 227	11 November 2011	
5B	2011 SL No. 227	30 November 2011	
5C	2011 SL No. 287	9 December 2011	
5D	2011 SL No. 227	29 February 2012	
5E	2012 SL No. 55	1 July 2012	
5F	2012 SL No. 160	21 September 2012	
5G	2012 SL No. 217	30 November 2012	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

**Transport Operations (Passenger Transport) Regulation 2005 SL No. 329**

made by the Governor in Council on 15 December 2005

notfd gaz 16 December 2005 pp 1490–6

commenced on date of notification

exp 1 September 2016 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

amending legislation—

**Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2006 SL No. 74**

notfd gaz 28 April 2006 pp 1625–6

commenced on date of notification

**Maritime and Other Legislation Amendment Act 2006 No. 21 ss 1, 150(1) sch 1**

date of assent 17 May 2006

commenced on date of assent

**Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2006 SL No. 90 ss 1, 2(1), pt 11**

notfd gaz 19 May 2006 pp 252–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2(1))

**Transport Legislation and Another Regulation Amendment Regulation (No. 2) 2006 SL No. 173 pts 1, 6**

notfd gaz 7 July 2006 pp 1167–9

commenced on date of notification

**Education (General Provisions) Regulation 2006 SL No. 246 ss 1, 2(3), 90(1) sch 1**

notfd gaz 6 October 2006 pp 577–80

ss 1–2 commenced on date of notification

remaining provisions commenced 30 October 2006 (see s 2(3))

**Transport and Other Legislation Amendment Regulation (No. 1) 2006 SL No. 289 s 1, pt 2**

notfd gaz 1 December 2006 pp 1587–90

commenced on date of notification

**Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation (No. 1) 2007 SL No. 67 pts 1, 3**

notfd gaz 27 April 2007 pp 1887–90

commenced on date of notification

**Transport Legislation (Fees) Amendment Regulation (No. 1) 2007 SL No. 83 pts 1, 10**

notfd gaz 18 May 2007 pp 345–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2007 (see s 2)

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**Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation (No. 2) 2007 SL No. 200 pts 1–2**

notfd gaz 17 August 2007 pp 2023–5

ss 1–2 commenced on date of notification

remaining provisions commenced 17 August 2007 (see s 2)

**Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2007 SL No. 282 ss 1–2(1), pt 2**

notfd gaz 23 November 2007 pp 1682–4

ss 1–2 commenced on date of notification

remaining provisions commenced 23 November 2007 (see s 2(1))

**Transport Operations Legislation Amendment Regulation (No. 1) 2007 SL No. 307 pts 1, 3**

notfd gaz 7 December 2007 pp 1978–82

ss 1–2 commenced on date of notification

remaining provisions commenced 4 February 2008 (see s 2)

**Transport Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 131 pts 1, 10**

notfd gaz 23 May 2008 pp 543–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

**Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2008 SL No. 133 pts 1–2**

notfd gaz 23 May 2008 pp 543–5

ss 1–2 commenced on date of notification

remaining provisions commenced 30 May 2008 (see s 2)

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notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

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notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

s 16 commenced 1 July 2008 immediately after the commencement of the Transport Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 131 (see s 2(1))

remaining provisions commenced 1 July 2008 (see s 2(2))

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notfd gaz 29 August 2008 pp 2831–5

ss 1–2 commenced on date of notification

s 17(2) commenced 1 March 2009 (see s 2(2))

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notfd gaz 24 October 2008 pp 1086–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 24 October 2008 (see s 2)

**Transport and Other Legislation Amendment Regulation (No. 2) 2008 SL No. 396 pts 1–2**

notfd gaz 5 December 2008 pp 1840–3  
ss 1–2 commenced on date of notification  
remaining provisions commenced 17 December 2008 (see s 2)

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notfd gaz 22 May 2009 pp 331–3  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2009 (see s 2)

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 13 pt 14**

date of assent 26 June 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 2009 (2009 SL No. 252)

**Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2009 SL No. 169**

notfd gaz 14 August 2009 pp 1366–7  
commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2009 SL No. 231**

notfd gaz 23 October 2009 pp 594–5  
commenced on date of notification

**Transport and Other Legislation Amendment Act 2009 No. 47 s 1, pt 6**

date of assent 19 November 2009  
commenced on date of assent

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date of assent 23 May 2010  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2010 (see s 2(4)(b) and 2010 SL No. 134)

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notfd gaz 28 May 2010 pp 290–2  
ss 1–2 commenced on date of notification  
pt 10, div 3 commenced 24 July 2010 (see s 2(2))  
remaining provisions commenced 1 July 2010 (see s 2(1))

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notfd gaz 23 July 2010 pp 1196–9

ss 1–2 commenced on date of notification

remaining provisions commenced 24 July 2010 (see s 2(1))

**Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010 SL No. 191 ss 1–2, 133 sch 7**

notfd gaz 23 July 2010 pp 1196–9

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ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2010 (see s 2)

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notfd gaz 10 December 2010 pp 1082–6

ss 1–2 commenced on date of notification

remaining provisions commenced 27 June 2011 (see s 2)

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notfd gaz 20 May 2011 pp 142–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2011 (see s 2)

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notfd gaz 29 July 2011 pp 788–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2011 (see s 2)

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notfd gaz 23 September 2011 pp 192–3

commenced on date of notification

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notfd gaz 11 November 2011 pp 495–6

ss 1–2 commenced on date of notification

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commenced on date of notification

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remaining provisions commenced 1 July 2012 (see s 2)

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commenced on date of notification

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notfd gaz 30 November 2012 pp 444–6

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